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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, September 23, 2008
9:00 a.m.–12:30 p.m.

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741–6008

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. APHIS–2008–0068]

Tuberculosis; Amend the Status of New Mexico From Accredited Free to Modified Accredited Advanced

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the regulations to remove a zone in New Mexico from the list of accredited-free zones for bovine tuberculosis and reclassify the entire State as modified accredited advanced. Because two affected herds have been detected in New Mexico's accredited-free zone since May 2007, the zone no longer meets our requirements for accredited-free status. This action is necessary to reduce the likelihood of the spread of bovine tuberculosis within the United States.

DATES: This interim rule is effective September 11, 2008. We will consider all comments that we receive on or before November 10, 2008.

Compliance Date: The date for complying with certain requirements of 9 CFR 77.10 for sexually intact heifers, steers, and spayed heifers moving interstate from New Mexico is delayed until further notice (see ''Delay in Compliance'' under **SUPPLEMENTARY INFORMATION**). The compliance date for all other provisions in 9 CFR part 77 applicable to the interstate movement of cattle and bison from the State of New Mexico is September 11, 2008.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2008-0068* to submit or view comments and to view supporting and related materials available electronically.
- *Postal Mail/Commercial Delivery:* Please send two copies of your comment to Docket No. APHIS–2008–0068, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2008–0068.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov*.

FOR FURTHER INFORMATION CONTACT: Dr. C. William Hench, Senior Staff Veterinarian, National Tuberculosis Eradication Program, Veterinary Services, APHIS, 2150 Centre Ave., Bldg. B, MSC 3E20, Ft. Collins, CO 80526; (970) 494–7378.

SUPPLEMENTARY INFORMATION:

Background

Bovine tuberculosis is a contagious and infectious granulomatous disease caused by the bacterium *Mycobacterium bovis*. Although commonly defined as a chronic debilitating disease, bovine tuberculosis can occasionally assume an acute, rapidly progressive course. While any body tissue can be affected, lesions are most frequently observed in the lymph nodes, lungs, intestines, liver, spleen, pleura, and peritoneum. Although cattle are considered to be the true hosts of *M. bovis*, the disease has been reported in several other species of both domestic and nondomestic animals, as well as in humans.

At the beginning of the past century, tuberculosis caused more losses of livestock than all other livestock diseases combined. This prompted the establishment in the United States of the National Cooperative State/Federal Bovine Tuberculosis Eradication Program for tuberculosis in livestock.

In carrying out the national eradication program, the Animal and Plant Health Inspection Service issues and enforces regulations. The regulations require the testing of cattle and bison for tuberculosis, define the Federal tuberculosis status levels for States or zones (accredited-free, modified accredited advanced, modified accredited, accreditation preparatory, and nonaccredited), provide the criteria for attaining and maintaining those status levels, and contain testing and movement requirements for cattle and bison leaving States or zones of a particular status level. These regulations are contained in 9 CFR part 77 and in the Bovine Tuberculosis Eradication Uniform Methods and Rules, 1999, which is incorporated by reference into the regulations.

Section 77.7 of the regulations lists accredited-free States and zones and also contains requirements for retention of accredited-free status. Under § 77.7(c), if two or more affected herds are detected in an accredited-free State or zone within a 48-month period, that State or zone will be removed from the list of accredited-free States or zones and will be reclassified as modified accredited advanced.

The State of New Mexico has been divided into two zones for the purpose of tuberculosis status classification, with one listed in § 77.7(b)(2) as accredited-free and a second listed in § 77.9(b)(2) as modified accredited advanced. New Mexico has had an ongoing investigation to detect bovine tuberculosis in domestic cattle herds since April 2007, when an epidemiological investigation of a tuberculosis-positive cow found through slaughter surveillance confirmed an affected dairy herd in the accredited-free zone. Recently, a second affected herd was identified in the same zone. The finding of the second affected herd within a 48 month period means that the zone no longer meets the requirements for accredited-free status. Therefore, we are reclassifying the entire State of New Mexico as modified accredited advanced. This action is necessary to reduce the likelihood of the spread of tuberculosis within the United States.

As a result of this action, cattle or bison being moved interstate from

anywhere in New Mexico will now have to meet the testing requirements that apply to animals from modified accredited advanced States or zones. Under the regulations in § 77.10, cattle or bison that originate in a modified accredited advanced State or zone, and are not known to be infected with or exposed to tuberculosis, may be moved interstate only under one of the following conditions:

- The cattle or bison are moved directly to slaughter at an approved slaughtering establishment (§ 77.10(a));
- The cattle or bison are sexually intact heifers moved to an approved feedlot, or are steers or spayed heifers; and are either officially identified or identified by premises of origin identification (§ 77.10(b));
- The cattle or bison are from an accredited herd and are accompanied by a certificate stating that the accredited herd completed the testing necessary for accredited status with negative results within 1 year prior to the date of movement (§ 77.10(c)); or
- The cattle or bison are sexually intact animals, are not from an accredited herd, are officially identified, and are accompanied by a certificate stating that they were negative to an official tuberculin test conducted within 60 days prior to the date of movement (§ 77.10(d)).

Delay in Compliance

Previous rulemaking changing the tuberculosis classifications of the States of Texas, California, New Mexico, and Minnesota from accredited free to modified accredited advanced allowed for delayed compliance with certain provisions of § 77.10. The interim rule that amended the classification of Texas was effective June 3, 2002, and published in the **Federal Register** on June 6, 2002 (67 FR 38841–38844, Docket No. 02–021–1); in a document published in the **Federal Register** on December 31, 2002, the date by which Texas had to comply with certain provisions of § 77.10 was extended from January 1, 2003, to September 30, 2003 (67 FR 79836–79837, Docket No. 02–021–3). The interim rule that amended the classification of California was effective and published in the **Federal Register** on April 25, 2003 (68 FR 20333–20336, Docket No. 03–005–1). The interim rule that amended the classification of New Mexico was effective and published in the **Federal Register** on July 24, 2003 (68 FR 43618–43621, Docket No. 03–044–1).[1] The 2003 interim rules changing the statuses of California and New Mexico from accredited-free to modified accredited advanced also allowed for a delay in the compliance date for certain provisions of § 77.10 until September 30, 2003.

The specific provisions of § 77.10 for which we delayed the compliance date were as follows:

- The identification of sexually intact heifers moving to approved feedlots and steers and spayed heifers moving to any destination (§ 77.10(b));
- The identification requirements for sexually intact heifers moving to feedlots that are not approved feedlots (§ 77.10(d)); and
- Because identification is required for certification, the certification requirements for sexually intact heifers moving to unapproved feedlots (§ 77.10(d)).

Initially, we had delayed the date of compliance with these requirements for the State of Texas until September 30, 2003, for two reasons. First, the size of the cattle industry in Texas necessitated additional time to implement the identification requirements of the regulations. Second, some cattle that had begun moving through channels prior to the change in Texas' tuberculosis status would not have been identified at their premises of origin. The compliance date was delayed for California and New Mexico to provide equitable treatment for producers in those States.

Based on the comments that we received on the interim rule for Texas, we concluded that the tuberculosis risk associated with the movement of nonbreeding cattle from modified accredited advanced States or zones through feeder channels to slaughter is low and that identification requirements for certain cattle destined for slaughter may be unnecessary. Therefore, on March 22, 2004, we published in the **Federal Register** (69 FR 13218–13219, Docket No. 03–072–2) an interim rule further delaying the date for compliance with the identification and certification requirements of § 77.10(b) and (d) for nonbreeding cattle from the States of Texas, California, and New Mexico, until further notice. The interim rule published in the **Federal Register** on January 30, 2006 (71 FR 4808–4810, Docket No. APHIS–2006–0004) changing the status of Minnesota from accredited-free to modified accredited advanced also allowed for a delay in the compliance date for certain provisions of § 77.10 until further notice. This delay of the date for compliance with the provisions of § 77.10 listed above also applies to the current rulemaking changing the tuberculosis status of a zone in New Mexico from accredited-free to modified accredited advanced.

Emergency Action

This rulemaking is necessary on an emergency basis to prevent the spread of bovine tuberculosis within the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

This emergency situation makes timely compliance with section 603 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. We are currently assessing the potential economic effects of this action on small entities. Based on that assessment, we will either certify that the rule will not have a significant economic impact on a substantial number of small entities or publish a regulatory flexibility analysis.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork

[1] New Mexico's accredited-free zone was established in a subsequent interim rule, effective and published in the **Federal Register** on July 22, 2005 (70 FR 42259–42261, Docket No. 04–068–1).

Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

■ Accordingly, we are amending 9 CFR part 77 as follows:

PART 77—TUBERCULOSIS

■ 1. The authority citation for part 77 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

§ 77.7 [Amended]

■ 2. Section 77.7, paragraph (b), is amended by removing the paragraph number ''(1)'' and by removing paragraph (b)(2).

§ 77.9 [Amended]

■ 3. Section 77.9 is amended as follows:

■ a. In paragraph (a), by removing the word ''None'' and adding the words ''New Mexico'' in its place.

■ b. In paragraph (b), by removing the paragraph number ''(1)'' and by removing paragraph (b)(2).

Done in Washington, DC, this 5th day of September 2008.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E8–21117 Filed 9–10–08; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0449; Directorate Identifier 2007–SW–10–AD; Amendment 39–15669; AD 2008–19–02]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, 222U, 230, and 430 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: We are superseding an existing airworthiness directive (AD) for Bell Helicopter Textron Canada (Bell) Model 222, 222B, 222U, 230, and 430 helicopters. That AD currently requires visually inspecting the main rotor hydraulic actuator support (support) to verify the presence of all dowel pins and sealant between the support and transmission and verifying the proper torque of each attaching nut (nut). This AD requires the same actions as the existing AD and also requires repetitive actions at intervals not to exceed 600 hours time-in-service (TIS) or 12 months, whichever occurs first. This AD is prompted by the discovery that a 12-month compliance requirement was correctly included in an Emergency AD (EAD) that we issued but was inadvertently omitted when we published the Final rule; request for comments following the issuance of the EAD. The actions specified by this AD are intended to prevent failure of the support and subsequent loss of control of the helicopter.

DATES: Effective October 16, 2008.

The incorporation by reference of Bell Helicopter Textron Alert Service Bulletin Nos. 222–00–86, 222U–00–57, 230–00–18, and 430–00–17, all dated May 19, 2000, was approved previously for incorporation by reference by the Director of the Federal Register on March 2, 2001 (66 FR 10361, February 15, 2001).

ADDRESSES: You may examine the AD docket on the Internet at *http://regulations.gov* or in person at the Docket Operations office, U.S. Department of Transportation, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays.

You may get the service information identified in this AD from Bell Helicopter Textron Canada, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4, telephone (450) 437–2862 or (800) 363–8023, fax (450) 433–0272.

Examining the AD Docket: The AD docket contains the Notice of proposed rulemaking (NPRM), the economic evaluation, any comments received, and other information. The street address and operating hours for the Docket Operations office (telephone (800) 647–5527) are in the **ADDRESSES** section of this AD. Comments will be available in the AD docket shortly after they are received.

FOR FURTHER INFORMATION CONTACT: Tyrone Millard, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193–0110, telephone (817) 222–5439, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: On January 5, 2001, we issued EAD 2001–01–51 for Bell Model 222, 222B, 222U, 230, and 430 helicopters which requires, at specified time intervals, visually inspecting the support for the presence of all dowel pins and sealant between the support and transmission and verifying the proper torque of each nut. That action was prompted by the failure of a support resulting in an accident of a Bell Model 222U helicopter. All retaining studs and shear pins were found sheared or pulled out at the junction between the support and transmission case. The requirements of that EAD are intended to prevent failure of the support and subsequent loss of control of the helicopter.

On February 2, 2001, we issued AD 2001–01–51, Amendment 39–12105, Docket No. 2000–SW–54–AD as a Final rule; request for comments (66 FR 10361, February 15, 2001). Since issuing that AD, we discovered that we inadvertently omitted the phrase ''or 12 months, whichever occurs first,'' from compliance paragraph (a) of the published final rule AD. Because the two versions of AD 2001–01–51 have different compliance times, we issued an NPRM on April 14, 2008 (73 FR 21853, April 23, 2008) proposing to supersede AD 2001–01–51 and require the following:

- Within 25 hours TIS, and thereafter at intervals not to exceed 600 hours TIS or 12 months, whichever occurs first:
- Visually inspecting the support and, if any pin is missing or if there is no sealant visible, further inspecting the support, the transmission case, studs, and dowel pins and repairing or replacing any unairworthy part before further flight;
- Verifying the torque of the nuts and, depending on the location and number of loose nuts, before further flight:
- Removing the support and further inspecting the support, transmission case, studs, and dowel pins and repairing or replacing any unairworthy part; and
- Retorqueing certain nuts;
- At not less than 20 hours TIS nor more than 30 hours TIS after reinstalling a support for any reason, verifying the torque of the nuts.

By publishing the NPRM, we gave the public an opportunity to participate in developing this AD. However, we received no comment on the NPRM or on our determination of the cost to the public. Therefore, based on our review and evaluation of the available data, we have determined that air safety and the public interest require adopting the AD as proposed.

We have reviewed Bell Alert Service Bulletin Nos. 222–00–86, 222U–00–57, 230–00–18, and 430–00–17, all dated May 19, 2000 (ASB's), which specify, within 25 hours TIS, conducting a one-time inspection of the support installation by accomplishing a torque check of the support attaching nuts. In

addition, a revision to the maintenance manual will introduce a recurring torque check of the nuts. Transport Canada classified these ASB's as mandatory and issued AD No. CF–2000–29, dated September 6, 2000, to ensure the continued airworthiness of these helicopters in Canada.

We estimate that this AD will affect 145 helicopters of U.S. registry. It will take approximately ½ work hour per helicopter to inspect for proper torque, and the average labor rate is $80 per work hour. The cost for the inspection is estimated to be $5,800. Assuming 15 helicopters require removing the support for additional inspections, it will take approximately 6 additional work hours at $80 per work hour and $50 for parts at an additional total cost of $7,950. Based on these figures, we estimate the total cost impact of this AD on U.S. operators to be $13,750, assuming no supports are replaced.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Therefore, I certify this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by removing Amendment 39–12105 (66 FR 10361, February 15, 2001), and by adding a new airworthiness directive (AD), Amendment 39–15669, to read as follows:

2008–19–02 Bell Helicopter Textron Canada: Amendment 39–15669, Docket No. FAA–2008–0449; Directorate Identifier 2007–SW–10–AD. Supersedes AD 2001–01–51, Amendment 39–12105, Docket No. 2000–SW–54–AD.

Applicability: Model 222, 222B, 222U, 230, and 430 helicopters, with a main rotor hydraulic actuator support (support), part number (P/N) 222–040–125–001, installed, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the support and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 25 hours time-in-service (TIS) and thereafter at intervals not to exceed 600 hours TIS or 12 months, whichever occurs first, accomplish the following:

(1) Visually inspect the support for the presence of all dowel pins and for sealant between the support and transmission. If any pin is missing, or if no sealant is visible, before further flight, remove the support and further inspect the support, transmission case, studs, and dowel pins in accordance with the Accomplishment Instructions, paragraphs 5 through 7, of the applicable Bell Helicopter Textron Alert Service Bulletin Nos. 222–00–86, 222U–00–57, 230–00–18, or 430–00–17, all dated May 19, 2000 (ASB's). Repair or replace any unairworthy support, transmission case, stud, or dowel pin before further flight.

(2) Verify the torque of the support attaching nuts (nuts). Upper nuts must not rotate at a torque less than 40 in-lbs. Lower nuts must not rotate at a torque less than 90 in-lbs.

(i) If two or more upper nuts rotate at a torque less than 40 in-lbs. or two or more lower nuts rotate at a torque less than 90 in-lbs., before further flight, remove the support and further inspect the support, transmission case, studs, and dowel pins in accordance with the Accomplishment Instructions, paragraph 5 through 7, of the applicable ASB's. Repair or replace any unairworthy support, transmission case, stud, or dowel pin before further flight.

(ii) If less than two upper nuts rotate at a torque less than 40 in-lbs. or less than two lower nuts rotate at a torque less than 90 in-lbs., before further flight, retorque the upper nut to 50 to 70 in-lbs. plus tare and the lower nut to 100 to 140 in-lbs. plus tare.

(b) At not less than 20 hours TIS nor more than 30 hours TIS after reinstalling a support for any reason, verify the torque of the nuts in accordance with paragraph (a)(2) of this AD.

(c) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Rotorcraft Standards Staff, FAA, ATTN: Tyrone Millard, telephone (817) 222–5439, fax (817) 222–5961, for information about previously approved alternative methods of compliance.

(d) You must use the specified portions of Bell Helicopter Textron Alert Service Bulletin Nos. 222–00–86, 222U–00–57, 230–00–18, or 430–00–17, all dated May 19, 2000, to do the required inspections.

(1) The Director of the Federal Register previously approved the incorporation by reference of these service bulletins on March 2, 2001 (66 FR 10361, February 15, 2001).

(2) For service information identified in this AD, contact Bell Helicopter Textron Canada, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4, telephone (450) 437–2862 or (800) 363–8023, fax (450) 433–0272.

(3) You may review copies at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

(e) This amendment becomes effective on October 16, 2008.

Note: The subject of this AD is addressed in Transport Canada (Canada) AD CF–2000–29, dated September 6, 2000.

Issued in Fort Worth, Texas, on August 13, 2008.

Mark R. Schilling,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. E8–20979 Filed 9–10–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30624; Amdt. No. 3284]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective September 11, 2008. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 11, 2008.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Harry J. Hodges, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPS, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the associated Takeoff Minimums and ODPs. This amendment also identifies the airport and its location, the procedure, and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPS and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPS and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPS, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on August 22, 2008.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and/or Takeoff Minimums and/or Obstacle Departure Procedures effective at 0902 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 25 Sep 2008

Los Angeles, CA, Los Angeles Intl, ILS OR LOC RWY 24L, Amdt 25
Los Angeles, CA, Los Angeles Intl, ILS OR LOC RWY 24R; ILS RWY 24R (CAT II); ILS RWY 24R (CAT III), Amdt 24
Los Angeles, CA, Los Angeles Intl, ILS OR LOC RWY 25L; ILS RWY 25L (CAT II); ILS RWY 25L (CAT III), Amdt 11
Los Angeles, CA, Los Angeles Intl, ILS OR LOC RWY 25R, Amdt 16
Los Angeles, CA, Los Angeles Intl, RNAV (GPS) Y RWY 24L, Amdt 1
Los Angeles, CA, Los Angeles Intl, RNAV (GPS) Y RWY 24R, Amdt 1
Los Angeles, CA, Los Angeles Intl, RNAV (GPS) Y RWY 25L, Amdt 2
Los Angeles, CA, Los Angeles Intl, RNAV (GPS) Y RWY 25R, Amdt 1
Los Angeles, CA, Los Angeles Intl, RNAV (GPS) Z RWY 25L, Orig
Los Angeles, CA, Los Angeles Intl, RNAV (RNP) Z RWY 25R, Orig
Madera, CA, Madera Muni, GPS RWY 30, Amdt 1, CANCELLED
Madera, CA, Madera Muni, RNAV (GPS) RWY 12, Orig
Madera, CA, Madera Muni, RNAV (GPS) RWY 30, Orig
Modesto, CA, Modesto City-CO-Harry Sham Fld, GPS RWY 28R, Orig-B, CANCELLED
Modesto, CA, Modesto City-CO-Harry Sham Fld, RNAV (GPS) RWY 28R, Orig
Modesto, CA, Modesto City-CO-Harry Sham Fld, Takeoff Minimums and Obstacle DP, Amdt 5
Red Bluff, CA, Red Bluff Muni, GPS RWY 15, Orig, CANCELLED
Red Bluff, CA, Red Bluff Muni, GPS RWY 33, Orig, CANCELLED
Red Bluff, CA, Red Bluff Muni, RNAV (GPS) RWY 15, Orig
Red Bluff, CA, Red Bluff Muni, RNAV (GPS) RWY 33, Orig
Red Bluff, CA, Red Bluff Muni, VOR RWY 33, Amdt 8
Red Bluff, CA, Red Bluff Muni, VOR/DME RWY 15, Amdt 7
De Kalb, IL, De Kalb Taylor Muni, ILS OR LOC RWY 2, Orig
De Kalb, IL, De Kalb Taylor Muni, LOC/DME RWY 2, Amdt 1, CANCELLED
De Kalb, IL, De Kalb Taylor Muni, RNAV (GPS) RWY 2, Orig
De Kalb, IL, De Kalb Taylor Muni, RNAV (GPS) RWY 9, Amdt 1
De Kalb, IL, De Kalb Taylor Muni, RNAV (GPS) RWY 20, Orig
De Kalb, IL, De Kalb Taylor Muni, RNAV (GPS) RWY 27, Amdt 1
De Kalb, IL, De Kalb Taylor Muni, VOR/DME OR GPS RWY 27, Amdt 5C, CANCELLED
Indianapolis, IN, Indianapolis Executive, ILS OR LOC RWY 36, Amdt 5
Indianapolis, IN, Indianapolis Intl, RNAV (RNP) Z RWY 14, Orig-A
Colby, KS, Shalz Field, RNAV (GPS) RWY 17, Amdt 1
Colby, KS, Shalz Field, RNAV (GPS) RWY 35, Amdt 1
Colby, KS, Shalz Field, Takeoff Minimums and Obstacle DP, Orig
Georgetown, KY, Georgetown Scott Co-Marshall Fld, RNAV (GPS) RWY 3, Amdt 1
Georgetown, KY, Georgetown Scott Co-Marshall Fld, RNAV (GPS) RWY 21, Amdt 1
Bastrop, LA, Morehouse Memorial, RNAV (GPS) RWY 16, Amdt 1
Bastrop, LA, Morehouse Memorial, RNAV (GPS) RWY 34, Orig
Galliano, LA, South Lafourche Leonard Miller Jr, RNAV (GPS) RWY 18, Amdt 1
Galliano, LA, South Lafourche Leonard Miller Jr, RNAV (GPS) RWY 36, Orig
Galliano, LA, South Lafourche Leonard Miller Jr, Takeoff Minimums and Obstacle DP, Orig
Boston, MA, Gen Edward Lawrence Logan Intl, ILS OR LOC RWY 33L, Amdt 3
Baltimore, MD, Baltimore-Washington Intl Thurgood Marshall, ILS OR LOC RWY 10, ILS RWY 10 (CAT II), ILS RWY 10 (CAT III), Amdt 19
Baltimore, MD, Baltimore-Washington Intl Thurgood Marshall, ILS OR LOC RWY 15L, Amdt 1
Baltimore, MD, Baltimore-Washington Intl Thurgood Marshall, ILS OR LOC RWY 28, Amdt 16
Baltimore, MD, Baltimore-Washington Intl Thurgood Marshall, ILS OR LOC RWY 33L, Amdt 10
Baltimore, MD, Baltimore-Washington Intl Thurgood Marshall, ILS OR LOC RWY 33R, Amdt 1
Baltimore, MD, Baltimore-Washington Intl Thurgood Marshall, RNAV (GPS) RWY 15L, Amdt 1
Baltimore, MD, Baltimore-Washington Intl Thurgood Marshall, RNAV (GPS) RWY 22, Amdt 1
Baltimore, MD, Baltimore-Washington Intl Thurgood Marshall, RNAV (GPS) RWY 33R, Amdt 1
Baltimore, MD, Baltimore-Washington Intl Thurgood Marshall, RNAV (GPS) Y RWY 10, Amdt 1
Baltimore, MD, Baltimore-Washington Intl Thurgood Marshall, RNAV (GPS) Y RWY 15R, Amdt 1
Baltimore, MD, Baltimore-Washington Intl Thurgood Marshall, RNAV (GPS) Y RWY 28, Amdt 1
Baltimore, MD, Baltimore-Washington Intl Thurgood Marshall, RNAV (GPS) Y RWY 33L, Amdt 1
Baltimore, MD, Baltimore-Washington Intl Thurgood Marshall, RNAV (GPS) Z RWY 15R, Orig-A, CANCELLED
Baltimore, MD, Baltimore-Washington Intl Thurgood Marshall, RNAV (GPS) Z RWY 28, Orig-A, CANCELLED
Baltimore, MD, Baltimore-Washington Intl Thurgood Marshall, RNAV (RNP) Z RWY 10, Orig
Baltimore, MD, Baltimore-Washington Intl Thurgood Marshall, RNAV (RNP) Z RWY 15R, Orig
Baltimore, MD, Baltimore-Washington Intl Thurgood Marshall, RNAV (RNP) Z RWY 28, Orig
Detroit, MI, Detroit Metropolitan Wayne County, ILS OR LOC RWY 3R, ILS RWY 3R (CAT II), ILS RWY 3R (CAT III), Amdt 15
Detroit, MI, Detroit Metropolitan Wayne County, ILS OR LOC RWY 4R, ILS RWY 4R (CAT II), ILS RWY 4R (CAT III), Amdt 16
Detroit, MI, Detroit Metropolitan Wayne County, ILS OR LOC RWY 21L, Amdt 10
Detroit, MI, Detroit Metropolitan Wayne County, ILS OR LOC RWY 22L, Amdt 29
Detroit, MI, Detroit Metropolitan Wayne County, ILS OR LOC Z RWY 4L, ILS Z RWY 4L (CAT II), ILS Z RWY 4L (CAT III), Amdt 3
Detroit, MI, Detroit Metropolitan Wayne County, ILS OR LOC Z RWY 22R, Amdt 2
Detroit, MI, Detroit Metropolitan Wayne County, RNAV (GPS) RWY 3R, Amdt 1
Detroit, MI, Detroit Metropolitan Wayne County, RNAV (GPS) RWY 4L, Amdt 2
Detroit, MI, Detroit Metropolitan Wayne County, RNAV (GPS) RWY 4R, Amdt 1
Detroit, MI, Detroit Metropolitan Wayne County, RNAV (GPS) RWY 21L, Amdt 2
Detroit, MI, Detroit Metropolitan Wayne County, RNAV (GPS) RWY 22L, Amdt 1
Detroit, MI, Detroit Metropolitan Wayne County, RNAV (GPS) RWY 22R, Amdt 1
Detroit, MI, Detroit Metropolitan Wayne County, RNAV (GPS) Y RWY 3R, Orig, CANCELLED
Detroit, MI, Detroit Metropolitan Wayne County, RNAV (GPS) Y RWY 4R, Orig, CANCELLED
Motley, MN, Morey's, NDB OR GPS RWY 9, Amdt 1A, CANCELLED
Caruthersville, MO, Caruthersville Memorial, RNAV (GPS) RWY 18, Amdt 1
Caruthersville, MO, Caruthersville Memorial, RNAV (GPS) RWY 36, Amdt 1
Kansas City, MO, Kansas City Intl, ILS OR LOC RWY 1L, Amdt 13
Kansas City, MO, Kansas City Intl, ILS OR LOC RWY 1R, ILS RWY 1R (CAT II), ILS RWY 1R (CAT III), Amdt 3
Kansas City, MO, Kansas City Intl, ILS OR LOC RWY 9, Amdt 13
Kansas City, MO, Kansas City Intl, ILS OR LOC RWY 19L, Amdt 1
Kansas City, MO, Kansas City Intl, ILS OR LOC RWY 19R, ILS RWY 19R (CAT II), ILS RWY 19R (CAT III), Amdt 10
Kansas City, MO, Kansas City Intl, ILS OR LOC RWY 27, Amdt 2
Kansas City, MO, Kansas City Intl, RNAV (GPS) Y RWY 1L, Amdt 1

Kansas City, MO, Kansas City Intl, RNAV (GPS) Y RWY 1R, Amdt 1
Kansas City, MO, Kansas City Intl, RNAV (GPS) Y RWY 9, Amdt 1
Kansas City, MO, Kansas City Intl, RNAV (GPS) Y RWY 19L, Amdt 1
Kansas City, MO, Kansas City Intl, RNAV (GPS) Y RWY 19R, Amdt 1
Kansas City, MO, Kansas City Intl, RNAV (GPS) Y RWY 27, Amdt 1
Kansas City, MO, Kansas City Intl, RNAV (GPS) Z RWY 9, Orig, CANCELLED
Kansas City, MO, Kansas City Intl, RNAV (RNP) Z RWY 1L, Orig
Kansas City, MO, Kansas City Intl, RNAV (RNP) Z RWY 1R, Orig
Kansas City, MO, Kansas City Intl, RNAV (RNP) Z RWY 9, Orig
Kansas City, MO, Kansas City Intl, RNAV (RNP) Z RWY 19L, Orig
Kansas City, MO, Kansas City Intl, RNAV (RNP) Z RWY 19R, Orig
Kansas City, MO, Kansas City Intl, RNAV (RNP) Z RWY 27, Orig
Mosby, MO, Midwest National Air Center, RNAV (GPS) RWY 36, Amdt 2
Clarksdale, MS, Fletcher Field, Takeoff Minimums and Obstacle DP, Orig
Picayune, MS, Picayune Muni, Takeoff Minimums and Obstacle DP, Orig
Albion, NE, Albion Muni, NDB RWY 33, Amdt 2
Albion, NE, Albion Muni, RNAV (GPS) RWY 15, Amdt 1
Albion, NE, Albion Muni, RNAV (GPS) RWY 33, Amdt 1
Albion, NE, Albion Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Aurora, NE, Aurora Muni-Al Potter Field, GPS RWY 34, Orig, CANCELLED
Aurora, NE, Aurora Muni-Al Potter Field, RNAV (GPS) RWY 16, Amdt 1
Aurora, NE, Aurora Muni-Al Potter Field, RNAV (GPS) RWY 34, Orig
Aurora, NE, Aurora Muni-Al Potter Field, Takeoff Minimums and Obstacle DP, Orig
Gordon, NE, Gordon Muni, RNAV (GPS) RWY 4, Amdt 1
Gordon, NE, Gordon Muni, RNAV (GPS) RWY 22, Amdt 1
Omaha, NE, Eppley Airfield, ILS OR LOC/DME RWY 18, Amdt 8
Omaha, NE, Eppley Airfield, RNAV (GPS) RWY 18, Amdt 2
Millbrook, NY, Sky Acres, RNAV (GPS) RWY 17, Amdt 1
New York, NY, John F. Kennedy Intl, RNAV (GPS) X RWY 31L, Amdt 1A
New York, NY, John F. Kennedy Intl, RNAV (GPS) Y RWY 4L, Amdt 1A
New York, NY, John F. Kennedy Intl, RNAV (GPS) Y RWY 4R, Amdt 1A
New York, NY, John F. Kennedy Intl, RNAV (GPS) Y RWY 22L, Amdt 1A
New York, NY, John F. Kennedy Intl, RNAV (GPS) Y RWY 31L, Amdt 1A
New York, NY, John F. Kennedy Intl, RNAV (GPS) Y RWY 31R, Amdt 1A
New York, NY, John F. Kennedy Intl, RNAV (RNP) Z RWY 4L, Orig
New York, NY, John F. Kennedy Intl, RNAV (RNP) Z RWY 4R, Orig
New York, NY, John F. Kennedy Intl, RNAV (RNP) Z RWY 22L, Orig
New York, NY, John F. Kennedy Intl, RNAV (RNP) Z RWY 31L, Orig
New York, NY, John F. Kennedy Intl, RNAV (RNP) Z RWY 31R, Orig
Oneonta, NY, Oneonta Muni, LOC RWY 24, Amdt 2
Oneonta, NY, Oneonta Muni, RNAV (GPS) RWY 6, Orig
Oneonta, NY, Oneonta Muni, RNAV (GPS) RWY 24, Orig
Oneonta, NY, Oneonta Muni, VOR RWY 6, Amdt 4B
Elk City, OK, Elk City Rgnl Business, NDB RWY 17, Amdt 5, CANCELLED
Elk City, OK, Elk City Rgnl Business, RNAV (GPS) RWY 17, Amdt 1
Elk City, OK, Elk City Rgnl Business, RNAV (GPS) RWY 35, Amdt 1
McMinnville, OR, McMinnville Muni, ILS OR LOC RWY 22, Amdt 4
McMinnville, OR, McMinnville Muni, NDB OR GPS RWY 22, Amdt 2, CANCELLED
McMinnville, OR, McMinnville Muni, RNAV (GPS) RWY 4, Orig
McMinnville, OR, McMinnville Muni, RNAV (GPS) RWY 22, Orig
Pittsburgh, PA, Pittsburgh Intl, CONVERGING ILS RWY 28R, Amdt 3A, CANCELLED
Pittsburgh, PA, Pittsburgh Intl, CONVERGING ILS RWY 32, Amdt 4A, CANCELLED
Pittsburgh, PA, Pittsburgh Intl, ILS OR LOC RWY 32, Amdt 12
Pittsburgh, PA, Pittsburgh Intl, RNAV (GPS) Y RWY 10C, Amdt 4
Pittsburgh, PA, Pittsburgh Intl, RNAV (GPS) Y RWY 10R, Amdt 3A
Pittsburgh, PA, Pittsburgh Intl, RNAV (GPS) Y RWY 28C, Amdt 4
Pittsburgh, PA, Pittsburgh Intl, RNAV (GPS) Y RWY 28L, Amdt 4A
Pittsburgh, PA, Pittsburgh Intl, RNAV (GPS) Y RWY 28R, Amdt 4A
Pittsburgh, PA, Pittsburgh Intl, RNAV (GPS) Y RWY 32, Amdt 4
Pittsburgh, PA, Pittsburgh Intl, RNAV (RNP) Z RWY 10C, Orig
Pittsburgh, PA, Pittsburgh Intl, RNAV (RNP) Z RWY 10R, Orig
Pittsburgh, PA, Pittsburgh Intl, RNAV (RNP) Z RWY 28C, Orig
Pittsburgh, PA, Pittsburgh Intl, RNAV (RNP) Z RWY 28L, Orig
Pittsburgh, PA, Pittsburgh Intl, RNAV (RNP) Z RWY 28R, Orig
Pittsburgh, PA, Pittsburgh Intl, RNAV (RNP) Z RWY 32, Orig
Pittsburgh, PA, Pittsburgh Intl, VOR/DME RWY 14, Amdt 2A, CANCELLED
Lafayette, TN, Lafayette Muni, GPS RWY 19, Orig, CANCELLED
Springfield, TN, Springfield Robertson County, LOC RWY 4, Amdt 2
Brady, TX, Curtis Field, RNAV (GPS) RWY 17, Amdt 1
Brady, TX, Curtis Field, RNAV (GPS) RWY 35, Amdt 1
Eagle Pass, TX, Maverick County Memorial Intl, RNAV (GPS) RWY 31, Orig
Eagle Pass, TX, Maverick County Memorial Intl, Takeoff Minimums and Obstacle DP, Orig
Fort Worth, TX, Bourland Field, GPS RWY 17, Orig-A, CANCELLED
Fort Worth, TX, Bourland Field, GPS RWY 35, Orig-A, CANCELLED
Fort Worth, TX, Bourland Field, RNAV (GPS) RWY 17, Orig
Fort Worth, TX, Bourland Field, RNAV (GPS) RWY 35, Orig
Greenville, TX, Majors, ILS OR LOC RWY 17, Amdt 7
Greenville, TX, Majors, LOC BC RWY 35, Amdt 1B
Greenville, TX, Majors, RNAV (GPS) RWY 17, Amdt 1
Greenville, TX, Majors, RNAV (GPS) RWY 35, Amdt 1
Greenville, TX, Majors, Takeoff Minimums and Obstacle DP, Amdt 1
Laredo, TX, Laredo Intl, RNAV (GPS) RWY 35L, Amdt 1
Mesquite, TX, Mesquite Metro, LOC BC RWY 35, Amdt 3
Mesquite, TX, Mesquite Metro, RNAV (GPS) RWY 17, Amdt 1
Mesquite, TX, Mesquite Metro, RNAV (GPS) RWY 35, Amdt 1
Plains, TX, Yoakum County, Takeoff Minimums and Obstacle DP, Orig
San Antonio, TX, San Antonio Intl, ILS OR LOC RWY 12R, ILS RWY 12R (CAT II), Amdt 14
San Antonio, TX, San Antonio Intl, ILS OR LOC RWY 30L, Amdt 10
San Antonio, TX, San Antonio Intl, RNAV (GPS) RWY 12R, Amdt 1
San Antonio, TX, San Antonio Intl, RNAV (GPS) RWY 30L, Amdt 1
Burlington/Mount Vernon, WA, Skagit Rgnl, GPS RWY 28, Orig-A, CANCELLED
Burlington/Mount Vernon, WA, Skagit Rgnl, RNAV (GPS) RWY 28, Orig
La Crosse, WI, La Crosse Muni, RNAV (GPS) RWY 3, Orig
La Crosse, WI, La Crosse Muni, RNAV (GPS) RWY 13, Orig
La Crosse, WI, La Crosse Muni, RNAV (GPS) RWY 18, Orig
La Crosse, WI, La Crosse Muni, RNAV (GPS) RWY 21, Orig
La Crosse, WI, La Crosse Muni, RNAV (GPS) RWY 31, Orig
La Crosse, WI, La Crosse Muni, RNAV (GPS) RWY 36, Orig
La Crosse, WI, La Crosse Muni, Takeoff Minimums and Obstacle DP, Amdt 5

On August 7, 2008 (73 FR 45860) the FAA published an Amendment in Docket No. 30620, Amdt. No. 3280 to Part 97 of the Federal Aviation Regulations under section 97.25 effective September 25, 2008. The following is rescinded in its entirety:

Galbraith Lake, AK, Galbraith Lake, Takeoff Minimums and Obstacle DP, Orig

On July 22, 2008 (73 FR 42520) the FAA published an Amendment in Docket No. 30618, Amdt No. 3278 to Part 97 of the Federal Aviation Regulations under section 97.33 effective September 25, 2008. The following are rescinded in their entirety:

Huntsville, AL, Huntsville Intl-Carl T Jones Fld, RNAV (GPS) Y RWY 18L, Orig, CANCELLED
Huntsville, AL, Huntsville Intl-Carl T Jones Fld, RNAV (GPS) Y RWY 36L, Orig, CANCELLED
Huntsville, AL, Huntsville Intl-Carl T Jones Fld, RNAV (GPS) Y RWY 36R, Orig, CANCELLED

[FR Doc. E8–20427 Filed 9–10–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

14 CFR Part 97

[Docket No. 30625; Amdt. No. 3285]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective September 11, 2008. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of September 11, 2008.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs are available online free of charge. Visit *http://nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Harry J. Hodges, Flight Procedure Standards Branch (AFS–420) Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under DOT Regulatory Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC on August 22, 2008.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	Subject
07/07/08	TX	Alice	Alice International	8/1741	LOC/DME RWY 31, ORIG
07/07/08	LA	Slidell	Slidell	8/1742	NDB RWY 36, ORIG–C
07/07/08	LA	Baton Rouge	Baton Rouge Metro, Ryan Field	8/1743	ILS OR LOC RWY 22R, AMDT 10
07/07/08	KS	Norton	Norton Muni	8/1896	RNAV (GPS) RWY 16, ORIG–A
07/07/08	KS	Norton	Norton Muni	8/1897	RNAV (GPS) RWY 34, ORIG
07/07/08	OK	Norman	University of Oklahoma Westheimer	8/1898	NDB RWY 35, ORIG–A
07/07/08	OK	Oklahoma City	Will Rogers World	8/1899	ILS OR LOC RWY 17L, AMDT 1
08/08/08	IN	Indianapolis	Indianapolis Intl	8/1952	RNAV (RNP) Z RWY 32, ORIG
08/08/08	NJ	Millville	Millville Muni	8/2039	RNAV (GPS) RWY 14, ORIG
08/11/08	ME	Augusta	Augusta State	8/2203	GPS RWY 17, ORIG
08/11/08	PA	Lancaster	Lancaster	8/2231	RNAV (GPS) RWY 26, AMDT 1
08/11/08	TN	Shelbyville	Bomar Field—Shelbyville Muni	8/2244	RNAV (GPS) Y RWY 36, ORIG
08/12/08	FL	Lakeland	Lakeland Linder Regional	8/2395	ILS OR LOC RWY 5, AMDT 7
08/11/08	MA	Westfield/Springfield	Barnes Muni	8/2429	VOR OR TACAN RWY 2, AMDT 4B
08/11/08	MA	Westfield/Springfield	Barnes Muni	8/2430	GPS RWY 2, ORIG–A
08/11/08	MA	Westfield/Springfield	Barnes Muni	8/2433	VOR RWY 20, AMDT 20A
08/13/08	NY	Ithaca	Ithaca Tompkins Regional	8/2877	VOR OR GPS RWY 32, AMDT 1
08/13/08	NY	Ithaca	Ithaca Tompkins Regional	8/2878	ILS RWY 32, AMDT 5A
08/14/08	ME	Belfast	Belfast Muni	8/2997	NDB RWY 15, AMDT 3
08/14/08	TN	Tullahoma	Tullahoma Regional/Wm Northern Fld	8/3016	VOR RWY 6, ORIG
08/14/08	TN	Tullahoma	Tullahoma Regional/Wm Northern Fld	8/3017	VOR RWY 24, ORIG
08/14/08	FL	Orlando	Orlando Executive	8/3018	TAKEOFF MINIMUMS AND OBSTACLE DP, AMDT 3
08/14/08	TN	Tullahoma	Tullahoma Regional/Wm Northern Fld	8/3019	RNAV (GPS) RWY 24, ORIG
08/14/08	TN	Tullahoma	Tullahoma Regional/Wm Northern Fld	8/3021	RNAV (GPS) RWY 6, ORIG
08/14/08	NJ	Andover	Aeroflex-Andover	8/3039	RNAV (GPS) RWY 3, AMDT 1
08/14/08	AL	Birmingham	Birmingham Intl	8/3082	RNAV (GPS) RWY 6, ORIG
08/14/08	FM	Pohnpei Island	Pohnpei Intl	8/3137	NDB OR GPS–C, AMDT 3
08/14/08	OR	Pendleton	Eastern Oregon Rgnl at Pendleton	8/3174	VOR OR GPS RWY 7, AMDT 14B
08/20/08	AK	Anchorage	Merrill Field	8/3297	RNAV (GPS) A, ORIG
08/15/08	CA	Riverside	Riverside Muni	8/3310	ILS OR LOC RWY 9, AMDT 7B
08/18/08	OR	Roseburg	Roseburg Rgnl	8/3341	TAKEOFF MINIMUMS AND OBSTACLE DP, AMDT 5
08/18/08	NH	Manchester	Manchester	8/3600	VOR RWY 35, AMDT 15C
08/18/08	NH	Manchester	Manchester	8/3601	ILS OR LOC RWY 35, AMDT 1A; ILS RWY 35 (CAT II), AMDT 1A; ILS RWY 35 (CAT III), AMDT 1A
08/18/08	PR	Isla De Vieques	Antonio Rivera Rodriguez	8/3623	RNAV (GPS) RWY 9, AMDT 1A
08/19/08	CA	San Diego	Brown Field Muni	8/3808	TAKEOFF MINIMUMS AND OBSTACLE DP, AMDT 3
08/19/08	WA	Spokane	Spokane Intl	8/3855	RNAV (GPS) RWY 21, ORIG–D
08/19/08	TX	McAllen	McAllen Miller Intl	8/3886	ILS RWY 13, AMDT 8B
08/19/08	TX	McAllen	McAllen Miller Intl	8/3887	VOR RWY 31, AMDT 1A
08/19/08	IL	Chicago	Chicago-O'Hare Intl	8/3930	ILS OR LOC RWY 4R, AMDT 6I
08/19/08	IL	Chicago	Chicago-O'Hare Intl	8/3931	ILS OR LOC RWY 32L, AMDT 2
08/19/08	IL	Chicago	Chicago-O'Hare Intl	8/3932	RNAV (GPS) RWY 22R, AMDT 1
08/19/08	IL	Chicago	Chicago-O'Hare Intl	8/3933	ILS OR LOC RWY 32R, AMDT 21B
08/19/08	IL	Chicago	Chicago-O'Hare Intl	8/3934	RNAV (GPS) RWY 32L, AMDT 2A
08/19/08	IL	Chicago	Chicago-O'Hare Intl	8/3936	LOC RWY 4L, AMDT 20
08/19/08	IL	Chicago	Chicago-O'Hare Intl	8/3938	RNAV (GPS) RWY 14L, AMDT 1
08/19/08	IL	Chicago	Chicago-O'Hare Intl	8/3941	ILS OR LOC RWY 22L, AMDT 4F
08/19/08	IL	Chicago	Chicago-O'Hare Intl	8/3942	RNAV (GPS) RWY 14R, AMDT 1
08/19/08	IL	Chicago	Chicago-O'Hare Intl	8/3943	RNAV (GPS) RWY 4R, ORIG–A
08/19/08	IL	Chicago	Chicago-O'Hare Intl	8/3944	ILS OR LOC RWY 22R, AMDT 7E
08/19/08	IL	Chicago	Chicago-O'Hare Intl	8/3948	RNAV (GPS) RWY 32R, AMDT 1
08/19/08	IL	Chicago	Chicago-O'Hare Intl	8/3949	RNAV (GPS) RWY 4L, AMDT 1
08/19/08	IL	Chicago	Chicago-O'Hare Intl	8/3950	RNAV (GPS) Y RWY 22L, ORIG–A

FDC date	State	City	Airport	FDC No.	Subject
08/19/08	IL	Chicago	Chicago-O'Hare Intl	8/3952	RNAV (GPS) Z RWY 22L, ORIG
08/20/08	IL	Chicago	Chicago-O'Hare Intl	8/4091	ILS OR LOC RWY 14R, AMDT 30; ILS RWY 14R (CAT II), AMDT 30; ILS RWY 14R (CAT III), AMDT 30
08/20/08	IL	Chicago	Chicago-O'Hare Intl	8/4092	ILS OR LOC RWY 14L, AMDT 29
08/20/08	MD	Salisbury	Salisbury-Ocean City Wicomico Regional.	8/4188	ILS RWY 32, AMDT 6
07/08/08	UT	Salt Lake City	Salt Lake City Intl	8/4753	RNAV (GPS) RWY 17, ORIG
07/08/08	UT	Salt Lake City	Salt Lake City Intl	8/4754	VOR/DME RWY 34R, AMDT 9
07/10/08	VA	Richmond	Chesterfield County	8/6327	RNAV (GPS) RWY 33, ORIG
07/24/08	FM	Pohnpei Island	Pohnpei Intl	8/9241	NDB/DME RWY 9, AMDT 4. THIS NOTAM PUBLISHED IN TL08–19 IS HEREBY RESCINDED IN ITS ENTIRETY
07/24/08	FM	Pohnpei Island	Pohnpei Intl	8/9246	NDB OR GPS–B, AMDT 3. THIS NOTAM PUBLISHED IN TL08–19 IS HEREBY RESCINDED IN ITS ENTIRETY

[FR Doc. E8–20445 Filed 9–10–08; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 9425]

RIN 1545–BF62

Section 6707A and the Failure To Include on Any Return or Statement any Information Required To Be Disclosed Under Section 6011 With Respect to a Reportable Transaction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations regarding the imposition of penalties under section 6707A of the Internal Revenue Code (Code) for the failure to include on any return or statement any information required to be disclosed under section 6011 with respect to a reportable transaction. The text of the temporary regulations also serves as the text of the proposed regulations set forth in the notice of proposed rulemaking on this subject in the Proposed Rules section of this issue of the **Federal Register**.

DATES: *Effective Date:* These regulations are effective on September 11, 2008.

Applicability Date: For dates of applicability, see § 301.6707A–1T(f).

FOR FURTHER INFORMATION CONTACT: Matthew Cooper, (202) 622–4940 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to 26 CFR part 301 under section 6707A of the Code. Section 6707A was added to the Code by section 811 of the American Jobs Creation Act of 2004, Public Law 108–357 (118 Stat. 1418) (AJCA), enacted on October 22, 2004. Section 6707A provides a monetary penalty for the failure to include on any return or statement any information required to be disclosed under section 6011 with respect to a reportable transaction. The penalty applies to returns and statements the due date for which is after October 22, 2004, and which were not filed before that date.

The amount of the section 6707A penalty for failure to include information required under section 6011 with respect to a reportable transaction, other than a listed transaction, is $10,000 in the case of an individual, and $50,000 in any other case. If the failure is with respect to a listed transaction, the penalty is increased to $100,000 in the case of an individual, and $200,000 in any other case.

Section 6707A(d)(1) grants the Commissioner authority to rescind all or a portion of any penalty imposed under section 6707A if (1) the violation relates to a reportable transaction that is not a listed transaction and (2) rescission of the penalty would promote compliance with the requirements of the Code and effective tax administration. Section 6707A(d)(2) provides that the Commissioner's determination whether to rescind the penalty may not be reviewed in any judicial proceeding. Rev. Proc. 2007–21, 2007–1 CB 613, provides the procedures to follow to request rescission of all or any portion of a penalty assessed under section 6707A with respect to a reportable transaction other than a listed transaction.

Section 6707A(e) requires a person that is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934, or consolidated reports with another person, to disclose in those reports for the periods specified by the Secretary, the requirement to pay the penalties set forth in section 6707A(e)(2) (for example, certain penalties under section 6662(h) and penalties under sections 6662A(c), 6707A(b)(2), or 6707A(e)). Rev. Proc. 2005–51, 2005–2 CB 296, which was amplified by Rev. Proc. 2007–25, 2007–1 CB 761, describes the reports on which the disclosures must be made, the information that must be disclosed, and the deadlines by which persons must make the disclosures on the reports to avoid additional penalties under section 6707A(e). If the person fails to disclose the requirement to pay the penalties, then section 6707A(e) requires that the failure be treated as a failure to disclose a listed transaction to which an additional section 6707A penalty applies. Because a penalty imposed under section 6707A(e) is treated as a penalty imposed with respect to a listed transaction, the penalty is not subject to rescission.

To implement the pertinent provisions of the AJCA, the Treasury Department and the IRS proposed amendments to the rules relating to the disclosure of reportable transactions by taxpayers under section 6011 (see Prop. Treas. Reg. § 1.6011–4, 2006–49 IRB 1049) and finalized those proposed regulations in TD 9350 (72 FR 43146) published on August 3, 2007.

Sections 1.6011–4(a) and (d) generally require that a taxpayer file a disclosure statement on Form 8886, ''Reportable

Transaction Disclosure Statement'' (or successor form) for each reportable transaction in which the taxpayer participated. Section 1.6011–4(e)(1) provides that a disclosure statement for a reportable transaction must be attached to the taxpayer's tax return for each taxable year for which a taxpayer participates in a reportable transaction. In addition, a disclosure statement for a reportable transaction must be attached to each amended return that reflects a taxpayer's participation in a reportable transaction. The taxpayer also must send a copy of the disclosure statement to the IRS Office of Tax Shelter Analysis (OTSA) at the same time that any disclosure statement pertaining to a particular reportable transaction is first filed. If a reportable transaction results in a loss that is carried back to a prior year, the disclosure statement for the reportable transaction must be attached to the taxpayer's application for tentative refund or amended tax return for that prior year. If a taxpayer who is a partner in a partnership, a shareholder in an S corporation, or a beneficiary of a trust receives a timely Schedule K–1, ''Partner's Share of Income, Deductions, Credits, etc.,'' less than 10 calendar days before the due date of the taxpayer's return (including extensions) and, based on receipt of the timely Schedule K–1, the taxpayer determines that the taxpayer participated in a reportable transaction, the disclosure statement will not be considered late if the taxpayer discloses the reportable transaction by filing a disclosure statement with OTSA within 60 calendar days after the due date of the taxpayer's return (including extensions).

For transactions entered into after August 2, 2007, § 1.6011–4(e)(2)(i) provides that if a transaction becomes a listed transaction or a transaction of interest after the filing of a taxpayer's tax return (including an amended return) reflecting the taxpayer's participation in the listed transaction or transaction of interest and before the end of the period of limitations for assessment of tax for any taxable year in which the taxpayer participated in the listed transaction or transaction of interest, then a disclosure statement must be filed with OTSA within 90 calendar days after the date on which the transaction became a listed transaction or a transaction of interest, regardless of whether the taxpayer participated in the transaction in the year the transaction became a listed transaction or a transaction of interest.

Published guidance identifying listed transactions or transactions of interest involving estate, gift, employment, and certain excise taxes will specify the manner in which taxpayers must disclose those transactions. See §§ 20.6011–4; 25.6011–4; 31.6011–4; 53.6011–4; 54.6011–4; and 56.6011–4.

The Treasury Department and IRS issued Notice 2005–11, 2005–1 CB 493, providing interim guidance regarding the imposition and rescission of penalties under section 6707A (see § 601.601(d)(2)(ii)(*b*)). Specifically, the notice stated that the IRS will impose a penalty under section 6707A with respect to each failure to disclose a reportable transaction within the time and in the form and manner provided by section 6011 and the regulations thereunder. Accordingly, a taxpayer would be subject to a penalty under section 6707A for: (1) The failure to attach an appropriate reportable transaction disclosure statement to an original or amended return; or (2) the failure to provide a copy of an appropriate disclosure statement to OTSA, if required, within the time and in the form and manner provided by section 6011 and the regulations thereunder. A taxpayer that failed to attach a reportable transaction disclosure statement to an original or amended return and failed to provide a copy of a required disclosure statement to OTSA would be subject to a single penalty under section 6707A.

Notice 2005–11 requested comments regarding the rules and standards relating to section 6707A, including the factors that should be considered in exercising the rescission authority under section 6707A(d) and how voluntary, but untimely disclosures (for example, if a taxpayer failed to make a required disclosure upon filing a return, but subsequently submits the required disclosure statement) should be treated in applying the section 6707A penalty. Since then, many have observed that there is little incentive for remedial action if a complete but delinquent disclosure statement is penalized as harshly as a complete failure to submit a disclosure statement. The Treasury Department and the IRS are currently considering whether it would be appropriate to publish a rule that would treat as timely a Form 8886 voluntarily filed prior to the date the IRS first contacts the taxpayer concerning a tax examination for the taxable period in which the taxpayer participated in the reportable transaction. Other appropriate dates by which filings must be made to qualify for relief would be considered as well. Comments are specifically requested on the necessity and appropriateness of publishing guidance addressing this issue.

Explanation of Provisions

These temporary regulations provide rules reflecting the AJCA enactment of the section 6707A penalty for the failure to include on any return or statement any information required to be disclosed under section 6011 with respect to a reportable transaction.

These temporary regulations provide that a taxpayer may incur a separate penalty under section 6707A with respect to each reportable transaction that the taxpayer was required, but failed, to disclose within the time and in the form and manner required under § 1.6011–4(d) and (e) or as stated in other published guidance. A taxpayer who is required to disclose a reportable transaction on a Form 8886 (or successor form) filed with a return, amended return, or application for tentative refund and who also is required to disclose the transaction on a Form 8886 (or successor form) with OTSA, is subject to only a single section 6707A penalty for failure to make either one or both of those disclosures. Additionally, these temporary regulations define ''reportable transaction'' and ''listed transaction'' by reference to the regulations under section 6011.

These temporary regulations restate the existing authority of the Secretary to prescribe the procedures to request rescission of a section 6707A penalty with respect to a nonlisted reportable transaction by revenue procedure or other guidance published in the Internal Revenue Bulletin. Rev. Proc. 2007–21 describes the procedures for requesting rescission of a penalty assessed under section 6707A, including the deadline by which a person must request rescission; the information the person must provide in the rescission request; the factors that weigh in favor of and against granting rescission; where the person must submit the rescission request; and the rules governing requests for additional information from the person requesting rescission.

These temporary regulations adopt factors mentioned in the legislative history to section 6707A that the Commissioner (or the Commissioner's delegate) should take into account during the determination whether to rescind all or a portion of any penalty imposed under section 6707A. See H.R. Conf. Rep. No. 755, 108th Cong., 2d Sess. at 599 (2004). Factors that these regulations identify as weighing in favor of rescission reflect circumstances that suggest that sustaining assessment of the penalty is against equity and good conscience.

These temporary regulations generally adopt the list of factors stated in Rev. Proc. 2007–21. One additional factor these regulations identify as weighing in favor of granting rescission is whether the penalty assessed is disproportionately larger than the tax benefit received. The factors identified in these temporary regulations do not represent an exclusive list, and no single factor will be determinative of whether to grant rescission in any particular case. Rather, the Commissioner (or the Commissioner's delegate) will consider and weigh all relevant factors, regardless of whether the factor is included in this list.

Because it is the policy of the IRS to administer penalties in a manner that promotes voluntary compliance with the tax laws, it will weigh heavily in favor of rescission if a taxpayer voluntarily files the form required under section 6011: (i) Prior to the date the IRS first contacts the taxpayer (including contacts by the IRS with any partnership in which the taxpayer is a partner, any S corporation in which the taxpayer is a shareholder, or any trust in which the taxpayer is a beneficiary) concerning a tax examination for the tax period in which the taxpayer participated in the reportable transaction; and (ii) other circumstances suggest that the taxpayer did not delay filing an untimely but properly completed Form 8886 until after the IRS had taken steps to identify the taxpayer's participation in the reportable transaction in question. See IRS Policy Statement 20–1 (June 29, 2004).

The temporary regulations mirror Rev. Proc. 2007–21 in providing that a rescission request is not the appropriate forum to contest whether the elements necessary to support a penalty under section 6707A exist. That question is for the examining agent, the IRS Appeals Division, and the courts. A rescission determination is based on the premise that a violation of section 6707A exists but, nonetheless, the penalty should be rescinded (or abated). Accordingly, the temporary regulations provide that the Commissioner (or the Commissioner's delegate) will not consider whether the taxpayer in fact failed to comply with section 6011. Furthermore, the temporary regulations provide that the Commissioner (or the Commissioner's delegate) will not take into consideration doubt as to liability for, or collectibility of, the penalties in determining whether to rescind the penalty.

Additionally, these temporary regulations restate the existing authority of the Secretary to prescribe by revenue procedure or other guidance published in the Internal Revenue Bulletin the manner in which taxpayers must disclose the requirement to pay certain penalties on reports filed with the Securities and Exchange Commission. Rev. Procs. 2005–51 and 2007–25 are the current published guidance items that provide these disclosure rules and remain effective until further guidance is issued in the form of regulations or other guidance that explicitly supersedes these two documents.

Effect on Other Documents

The temporary regulations supersede Notice 2005–11.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. The temporary regulations are necessary to promote taxpayers' immediate compliance with the regulations recently finalized under section 6011 and to provide for regulatory relief in appropriate circumstances, including the additional taxpayer favorable factor of whether the penalty assessed is disproportionately larger than the tax benefit received. For applicability of the Regulatory Flexibility Act (5 U.S.C. chapter 6), refer to the Special Analyses section of the preamble to the cross-referenced notice of proposed rulemaking published in the Proposed Rules section in this issue of the **Federal Register**. Pursuant to section 7805(f) of the Code, these regulations have been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Matthew Cooper of the Office of the Associate Chief Counsel (Procedure and Administration).

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Amendments to the Regulations

■ Accordingly, 26 CFR part 301 is amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

■ **Paragraph 1.** The authority citation for part 301 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 301.6707A–1T is added to read as follows:

§ 301.6707A–1T Failure to include on any return or statement any information required to be disclosed under section 6011 with respect to a reportable transaction.

(a) *In general.* Any person who fails to include on any return or statement any information required to be disclosed under section 6011 with respect to a reportable transaction may be subject to a monetary penalty. The penalty for failure to include information with respect to a reportable transaction, other than a listed transaction, is $10,000 in the case of a natural person, and $50,000 in any other case. The penalty for failure to include information with respect to a listed transaction is $100,000 in the case of a natural person, and $200,000 in any other case. The section 6707A penalty is in addition to any other penalty that may be imposed.

(b) *Definitions*—(1) *Reportable transaction.* The term ''reportable transaction'' is defined in § 1.6011–4(b)(1) of this chapter.

(2) *Listed transaction.* The term ''listed transaction'' is defined in section 6707A(c) of the Code and § 1.6011–4(b)(2) of this chapter.

(c) *Assessment of the penalty*—(1) *In general.* The Internal Revenue Service (IRS) may assess a penalty under section 6707A with respect to each failure to disclose a reportable transaction within the time and in the form and manner provided by § 1.6011–4(d) and (e) of this chapter or pursuant to the time, form, and manner stated in other published guidance. A taxpayer who is required to disclose a reportable transaction with a return, amended return, or application for tentative refund and who also is required to disclose the transaction on a Form 8886, ''Reportable Transaction Disclosure Statement'' (or successor form), filed with the IRS Office of Tax Shelter Analysis (OTSA), is subject to only a single section 6707A penalty for failure to make either one or both of those disclosures. If section 6011 and the regulations thereunder require a disclosure statement to be filed at the time that a return is filed, the disclosure statement is considered to be timely filed if it is filed at the same time as the return, even if the return is filed untimely after its due date.

(2) *Examples.* The rules of paragraph (c)(1) of this section are illustrated by the following examples:

Example 1. Taxpayer T is required to attach a Form 8886 to its return for the 2007 taxable year and to send a copy of the Form 8886 to OTSA at the time it files its return. Taxpayer T fails to attach the Form 8886 to its return and fails to send a copy of the Form 8886 to OTSA. Taxpayer T is subject to a single penalty under section 6707A for failure to disclose because Taxpayer T failed to comply with the disclosure requirements of section 6011. A penalty under section 6707A also would apply if Taxpayer T had failed to comply with only one of the two requirements.

Example 2. Same as *Example 1*, except that Taxpayer T also subsequently files an amended return for 2007 that reflects Taxpayer T's participation in the reportable transaction. Taxpayer T fails to attach a Form 8886 to the amended return as required by § 1.6011–4(e)(1) of this chapter. Taxpayer T is subject to an additional penalty under section 6707A for failing to disclose a reportable transaction.

Example 3. In November 2009, Taxpayer U participates in a reportable transaction resulting in a loss that is carried back to 2008. Taxpayer U fails to attach a Form 8886 to its 2008 amended return claiming the loss carryback. Section 1.6011–4(e)(1) of this chapter requires Taxpayer U to attach a Form 8886 to its amended return for the 2008 taxable year. Taxpayer U is subject to a penalty under section 6707A.

Example 4. Taxpayer P participates in a non-listed reportable transaction and is required to attach a Form 8886 to its return for the 2008 taxable year that is due on March 16, 2009. Taxpayer P timely files its return but fails to attach the Form 8886 to its return. After the due date of Taxpayer P's return and without an extension of time to file, Taxpayer P files an amended return relating to the 2008 taxable year to which Taxpayer P attaches the Form 8886. Taxpayer P is subject to a penalty under section 6707A for failure to disclose because Taxpayer P failed to comply with the disclosure requirements of section 6011 by not attaching a Form 8886 to its return for the 2008 taxable year that was timely filed on or before the due date of March 16, 2009. A penalty under section 6707A also would apply if Taxpayer P had failed to attach a Form 8886 to its amended return. Taxpayer P, nevertheless, may file a complete and proper Form 8886 and request in writing rescission of the penalties assessed within 30 days after the date the IRS sends notice and demand for payment of the penalties in accordance with Rev. Proc. 2007–21. The filing of the untimely Form 8886 will weigh heavily in favor of rescission provided that Taxpayer P files the Form 8886 prior to the date the IRS first contacts the taxpayer concerning a tax examination for the 2008 taxable year and there are no other circumstances that suggest that Taxpayer P delayed filing the Form 8886 until after the IRS had taken steps to identify Taxpayer P's participation in the reportable transaction in question.

Example 5. Shareholder V, a shareholder in an S Corporation, receives a timely Schedule K–1 ''Partner's Share of Income, Deductions, Credits, etc.,'' on April 10, 2009, and determines that she is required to attach a Form 8886 to her individual income tax return for the 2008 taxable year. Shareholder V fails to attach the Form 8886 to her 2008 individual income tax return but files a proper and complete Form 8886 with OTSA on June 12, 2009. Section 1.6011–4(e)(1) of this chapter provides that if a taxpayer who is a partner in a partnership, a shareholder in an S corporation, or a beneficiary of a trust receives a timely Schedule K–1 less than 10 calendar days before the due date of the taxpayer's return (including extensions) and, based on receipt of the timely Schedule K–1, the taxpayer determines that the taxpayer participated in a reportable transaction, the disclosure statement will not be considered late if the taxpayer discloses the reportable transaction by filing a disclosure statement with OTSA within 60 calendar days after the due date of the taxpayer's return (including extensions). Accordingly, Shareholder V is not subject to a penalty under section 6707A for failure to disclose.

Example 6. In July 2008, Taxpayer W participates in Transaction Z, a transaction that is not reportable as of April 15, 2009, the date Taxpayer W files his individual income tax return for 2008. On July 15, 2009, Transaction Z is identified as a transaction of interest. Section 1.6011–4(e)(2)(i) of this chapter provides that if a transaction that is not otherwise a reportable transaction becomes a listed transaction or a transaction of interest after the taxpayer has filed a tax return (including an amended return) reflecting the taxpayer's participation in the listed transaction or transaction of interest and before the end of the period of limitations for assessment of tax for any taxable year in which the taxpayer participated in the listed transaction or transaction of interest, then a disclosure statement must be filed with OTSA within 90 calendar days after the date on which the transaction became a listed transaction or transaction of interest, regardless of whether the taxpayer participated in the transaction in the year the transaction became a listed transaction or a transaction of interest. Taxpayer W fails to file a Form 8886 with OTSA by October 13, 2009, 90 calendar days after the date that the transaction was identified as a transaction of interest. Accordingly, Taxpayer W is subject to a penalty under section 6707A.

Example 7. Taxpayer X is required to attach a Form 8886 to its return for the 2008 taxable year with respect to participation in a listed transaction. Taxpayer X attaches the Form 8886 to its return in a timely manner. The Form 8886, however, does not describe any of the potential tax benefits expected to result from this transaction and states that information will be provided upon request. Because the Form 8886 does not describe any of the potential tax benefits expected to result from the transaction and merely provides that the information will be provided upon request, the Form 8886 filed by Taxpayer X is incomplete and does not satisfy the requirements set forth in § 1.6011–4(d) of this chapter. Taxpayer X is subject to a penalty under section 6707A for failure to disclose in the appropriate manner.

(d) *Rescission authority*—(1) *In general.* The Commissioner (or the Commissioner's delegate) may rescind the section 6707A penalty if—

(i) The violation relates to a reportable transaction that is not a listed transaction, and

(ii) Rescinding the penalty would promote compliance with the requirements of the Code and effective tax administration.

(2) *Requesting rescission.* The Secretary may prescribe the procedures for a taxpayer to request rescission of a section 6707A penalty with respect to a reportable transaction other than a listed transaction by publishing a revenue procedure or other guidance in the Internal Revenue Bulletin.

(3) *Factors that weigh in favor of granting rescission.* In determining whether rescission would promote compliance with the requirements of the Code and effective tax administration, the Commissioner (or the Commissioner's delegate) will take into account the following list of factors that weigh in favor of granting rescission. This is not an exclusive list and no single factor will be determinative of whether to grant rescission in any particular case. Rather, the Commissioner (or the Commissioner's delegate) will consider and weigh all relevant factors, regardless of whether the factor is included in this list.

(i) The taxpayer, upon becoming aware that it failed to disclose a reportable transaction properly, filed a complete and proper, albeit untimely, Form 8886 (or successor form). This factor will weigh heavily in favor of rescission provided that—

(A) the taxpayer files the Form 8886 prior to the date the IRS first contacts the taxpayer (including contacts by the IRS with any partnership in which the taxpayer is a partner, any S corporation in which the taxpayer is a shareholder, or any trust in which the taxpayer is a beneficiary) concerning a tax examination for the tax period in which the taxpayer participated in the reportable transaction; and

(B) other circumstances suggest that the taxpayer did not delay filing an untimely but properly completed Form 8886 until after the IRS had taken steps to identify the taxpayer's participation in the reportable transaction in question.

(ii) The failure to disclose properly was due to an unintentional mistake of fact that existed despite the taxpayer's reasonable attempts to ascertain the correct facts with respect to the transaction.

(iii) The taxpayer has an established history of properly disclosing other

reportable transactions and complying with other tax laws.

(iv) The taxpayer demonstrates that the failure to include on any return or statement any information required to be disclosed under section 6011 arose from events beyond the taxpayer's control.

(v) The taxpayer cooperates with the IRS by providing timely information with respect to the transaction at issue that the Commissioner (or the Commissioner's delegate) may request in consideration of the rescission request. In considering whether a taxpayer cooperates with the IRS, the Commissioner (or the Commissioner's delegate) will take into account whether the taxpayer meets the deadlines described in Rev. Proc. 2007–21 (or successor document) (see § 601.601(d)(2)(ii)(b) of this chapter) for complying with requests for additional information.

(vi) Assessment of the penalty weighs against equity and good conscience, including whether the penalty is disproportionate to the tax benefit received and whether the taxpayer demonstrates that there was reasonable cause for, and the taxpayer acted in good faith with respect to, the failure to timely file or to include on any return any information required to be disclosed under section 6011. An important factor in determining reasonable cause and good faith is the extent of the taxpayer's efforts to ensure that persons who prepared the taxpayer's return were informed of the taxpayer's participation in the reportable transactions. The presence of reasonable cause, however, will not necessarily be determinative of whether to grant rescission.

(4) *Absence of favorable factors weighs against rescission.* The absence of facts establishing the factors described in paragraph (d)(3) of this section weighs against granting rescission. The absence of any one of these factors, however, will not necessarily be determinative of whether to grant rescission.

(5) *Factors not considered.* In determining whether to grant rescission, the Commissioner (or the Commissioner's delegate) will not consider doubt as to liability for, or collectibility of, the penalties.

(e) *Reports to the Securities and Exchange Commission (SEC)*—(1) *In general.* Under section 6707A(e), a taxpayer who is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 (or is required to file consolidated reports with another person) must disclose in periodic reports filed with the SEC the requirement to pay each of the following penalties:

(i) The penalty imposed by section 6707A(a) in the amount of $200,000 for failure to disclose a listed transaction.

(ii) The accuracy-related penalty imposed by section 6662A(a) at the 30-percent rate determined under section 6662A(c) for a reportable transaction understatement with respect to which the relevant facts affecting the tax treatment of the reportable transaction were not adequately disclosed in accordance with regulations prescribed under section 6011.

(iii) The accuracy-related penalty imposed by section 6662(a) at the 40-percent rate determined under section 6662(h) for a gross valuation misstatement, if the taxpayer (but for the exclusionary rule of section 6662A(e)(2)(C)(ii)) would have been subject to the accuracy-related penalty under section 6662A(a) at the 30-percent rate determined under section 6662A(c).

(iv) The penalty described in paragraph (e)(3) of this section for failure to disclose in periodic reports filed with the SEC the requirement to pay any of the penalties described in paragraphs (e)(1)(i) through (iii) or (e)(3) of this section.

(2) *Manner and content of disclosure.* The Secretary may prescribe the manner in which disclosure of the requirement to pay the penalties identified in paragraph (e)(1) of this section must be made on reports filed with the SEC, including identification of the specific SEC form and section thereof in which the taxpayer must make the disclosure as well as specification of the timing and contents of the disclosure, by publishing a revenue procedure or other guidance in the Internal Revenue Bulletin.

(3) *Penalty for failure to disclose in SEC filings.* Any taxpayer who is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 (or is required to file consolidated reports with another person) may be subject to a penalty in the amount of $200,000 for each failure to disclose the requirement to pay a penalty identified in paragraphs (e)(1)(i) through (e)(1)(iii) of this section in the manner specified by revenue procedure or other guidance published in the Internal Revenue Bulletin. The taxpayer also may be subject to an additional penalty in the amount of $200,000 for each failure to disclose a penalty arising under this section in the manner specified by revenue procedure or other guidance published in the Internal Revenue Bulletin. The penalty provided by this paragraph is not subject to rescission as described in paragraph (d) of this section.

(f) *Effective/applicability date*—(1) The rules of this section apply to disclosure statements that are due after September 11, 2008.

(2) The applicability of this section expires on or before September 9, 2011.

L.E. Stiff,

Deputy Commissioner for Services and Enforcement.

Approved: September 5, 2008.

Eric Solomon,

Assistant Secretary of the Treasury, (Tax Policy).

[FR Doc. E8–21161 Filed 9–10–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2008–0900]

Safety Zone; Milwaukee Harbor, Milwaukee, WI

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Milwaukee Harbor Safety Zone in Milwaukee Harbor from 8:30 p.m. through 8:45 p.m. on September 29, 2008. This action is necessary to protect vessels and people from the hazards associated with fireworks displays. This safety zone will restrict vessel traffic from portions of the Captain of the Port Lake Michigan Zone.

DATES: The regulation in 33 CFR 165.935 will be enforced from 8:30 p.m. through 8:45 p.m. on September 29, 2008.

FOR FURTHER INFORMATION CONTACT: Petty Officer Eric Vogel, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747–7154.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce Safety Zone, Milwaukee Harbor, Milwaukee, WI, 33 CFR 165.935 for the following event: Milwaukee Brewers Rally Monday, on September 29, 2008, from 8:30 p.m. through 8:45 p.m.

All vessels must obtain permission from the Captain of the Port or his designated representative to enter, move within, or exit the safety zone. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the

Port or his designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice is issued under authority of 33 CFR 165.935 Safety Zone, Milwaukee Harbor, Milwaukee, WI, and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of these enforcement periods via broadcast Notice to Mariners or Local Notice to Mariners.

The Captain of the Port or designated representative may be contacted via U.S. Coast Guard Sector Lake Michigan on channel 16, VHF–FM.

Dated: August 27, 2008.

Bruce C. Jones,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. E8–21223 Filed 9–10–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 10 and 15

[Docket No. USCG–2006–26202]

RIN 1625–AB10

Training and Service Requirements for Merchant Marine Officers

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard amends certain regulations relating to mariner training and service. These regulatory changes remove the expiration date of the radar-observer endorsement from the merchant mariner's license, allow for an apprentice mate of towing vessels to reduce sea-service time for mate (pilot) of towing vessels by completing additional approved training, and provide an alternate path to mate (pilot) of towing vessels for master of steam or motor vessels of any tonnage that is 200 GRT or less. These changes are intended and expected to eliminate confusion and provide alternate training and service requirements for mate (pilot) of towing vessels.

DATES: This final rule is effective October 14, 2008.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2006–26202 and are available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call Commander Kelly Post or Mr. Gerald Miante, CG–5221, Coast Guard, telephone 202–372–1401. If you have questions on viewing the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

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I. Table of Abbreviations

GRT Gross Register Tons
MMC Merchant Mariner's Credential
NPRM Notice of Proposed Rulemaking
OSV Offshore Supply Vessel
SNPRM Supplemental Notice of Proposed Rulemaking
TOAR Towing Officer Assessment Record
TSAC Towing Safety Advisory Committee

II. Regulatory History

On September 17, 2007, we published a Notice of Proposed Rulemaking (NPRM) entitled ''Training and Service Requirements for Merchant Marine Officers'' in the **Federal Register** (72 FR 52841). The comment period closed on December 17, 2007. We received a total of 14 comments on the NPRM. No public meeting was requested, and none was held.

III. Background and Purpose

The revisions contained within this final rule: (1) Remove the expiration date of the radar-observer endorsement from the merchant mariner's license; (2) Allow for an apprentice mate of towing vessels to reduce required minimum sea-service time for mate (pilot) of towing vessels by completing additional approved training; and (3) Provide an alternate path to mate (pilot) of towing vessels for a master of steam or motor vessels of any tonnage that is 200 gross register tons (GRT) or less.

(1) *Radar-observer endorsement:* A petition for rulemaking was submitted to the Coast Guard on March 10, 2005, by an industry working group called the Mid-America Regional Examination Center Workgroup. That petition identified problems associated with placing the expiration date for the radar-observer endorsement on the deck licenses of mariners operating vessels equipped with radar. The expiration date for the radar-observer endorsement may be different from the expiration date of the license itself, causing confusion as to the validity of the license.

A license is valid for a five-year period from the date it is issued by the Coast Guard. A radar-observer endorsement is also valid for five years, but that period begins after the month in which the certificate of training is issued. For original licenses, unless the radar training certificate was issued the month before the license is issued, the expiration date of the radar endorsement will be different than the expiration date of the license. For license renewals, existing 46 CFR 10.480(k) provides a one-time opportunity for a mariner to synchronize the expiration date of the radar endorsement with that of the license. That section does not, however, account for subsequent renewals which might also bring the dates out of alignment. The end result is that, currently, many licenses have conflicting radar endorsement expiration and license expiration dates printed on them.

When conflicting dates appear on the license, confusion may result. Moreover, licenses may need to be prematurely renewed or reissued with the new radar observer endorsement date when the mariner obtains a new radar training certificate. If the radar observer endorsement date is not printed on the license, this confusion would be avoided.

In reviewing the industry recommendation, it was recognized that changing the requirement would simplify the process of issuing the license and ease the burden on the Coast Guard, industry, and schools providing the training. Mariners will still be required to keep their radar-observer training current, but an endorsement evidencing that training will no longer be printed on their licenses. While they will still be required to hold current

radar training certificates to man vessels equipped with radar, as specified in 46 CFR 15.815, they will have up to 48 hours to produce a copy of their certificate upon request of the Coast Guard or other appropriate Federal agency.

(2) *Training programs:* A petition submitted by Kirby Towing Co. dated January 4, 2006, and the Report of the Licensing Implementation Working Group of the Towing Safety Advisory Committee (TSAC) dated October 3, 2005, identified difficulties with the service requirements for certification as a mate (pilot) of towing vessels. According to Kirby Towing Co. and TSAC, the requirements for an apprentice mate to become a mate (pilot) of towing vessels unnecessarily restrict and dampen the use of comprehensive long-term training programs.

We agree, and the corresponding regulatory change provides mariners and their employers the flexibility to use training programs, which the Coast Guard can accept as meeting a portion of the service requirements for mate (pilot) of towing vessels under 46 CFR 10.465(a).

(3) *Alternate progression:* A petition for rulemaking dated February 11, 2005, was submitted by Delta Towing Co. seeking an alternate path to obtain a license as mate (pilot) of towing vessels, and the Report of the Licensing Implementation Working Group of TSAC dated October 3, 2005, supported the Delta Towing Co. petition, recommending that the Coast Guard implement this change as quickly as possible. The petition recommended a path that could relieve a shortage of qualified towing vessel personnel, as well as provide alternatives to companies that operate diverse fleets of vessels (e.g. offshore supply vessels (OSVs) and towing vessels).

The corresponding regulatory change provides a voluntary alternate path for a master of steam or motor vessels of any tonnage that is 200 GRT or less to qualify as a mate (pilot) of towing vessels while still demonstrating the experience and training that the regulations require. The alternate path is available for any holder of a master of steam or motor vessels license, of any route and of any tonnage that is 200 GRT or less, except for the limited masters licenses specified in §§ 10.429 and 10.456 of this part.

(4) *Relationship to Other Rulemaking Projects:* On May 22, 2006, the Coast Guard published an NPRM and on January 25, 2007, a supplemental notice of proposed rulemaking (SNPRM), both of which were entitled ''Consolidation of Merchant Mariner Qualification Credentials.'' Among other things, that proposed rule would create a single merchant mariner's credential (MMC). 71 FR 29462 and 72 FR 3605. This rulemaking makes changes to some of the same regulatory text, and was closely coordinated with the MMC project to ensure that there are no conflicts.

IV. Discussion of Comments and Changes

We received a total of 14 comments on the NPRM.

(1) *Radar-observer endorsement:* The rulemaking removes the requirement in 46 CFR 10.480(g) for the month and year of the expiration of the radar-observer endorsement to appear on the license. This change eliminates the appearance that a license expires early when the radar-observer endorsement expires. The regulatory change does not affect the actual expiration date of either the license or the endorsement, and does not affect the requirement that the mariner maintain a current training certificate. This change only eliminates the requirement that the Coast Guard actually print the expiration date of the endorsement on the license.

This rule also removes 46 CFR 10.480(k). That paragraph permits a one-time extension of the radar observer-endorsement expiration date for up to two years in order to synchronize that date with the license expiration date. If the expiration date of the radar-observer endorsement is removed from the license, only one expiration date would appear on the license, and synchronization for the purpose of avoiding confusion about the license expiration date is unnecessary.

Removing this paragraph allows mariners greater flexibility in managing their training schedules, and reduces the work backlog at the Coast Guard's regional examination centers and National Maritime Center. Mariners can submit their licenses for renewal closer to the actual five-year expiration of the license, rather than the shorter period that resulted from the need to renew when the radar-observer endorsement expired.

Revised § 15.815 also requires mariners to have certificates of training readily available. Although the expiration date will no longer appear on the license, inspection teams, incident investigators, employers, and any appropriate Federal agency representative must still be able to see proof that a mariner is currently qualified as a radar-observer. This change facilitates enforcement of qualification requirements while providing mariners flexibility in the way they maintain evidence of training. We made minor editorial changes to § 15.815(e), as it was proposed in the NPRM, to clarify that mariners must carry the original certificate of training or a notarized copy thereof onboard, or provide a copy of the certificate of training to the requesting entity within 48 hours.

All comments that addressed removal of the radar-observer endorsement expiration date from the license supported that part of the proposed rule. One comment expressed disagreement with allowing mariners 48 hours to provide a copy of the radar training certificate for enforcement purposes. The commenter advised that the radar training certificate should be produced on demand. We appreciate this concern, and we will reconsider the 48-hour allowance in the future if it, in fact, causes significant enforcement problems.

(2) *Training programs:* The service requirements in 46 CFR 10.465(a) and table 10.465–1 are revised to permit mariners to count time successfully spent in Coast Guard-approved training programs toward the service requirements for mate (pilot) of towing vessels. We also are revising 46 CFR 10.304 by adding a new paragraph (j), which provides that substitution of training in lieu of required service for a license as mate (pilot) of towing vessels is governed by 46 CFR 10.465(a) and table 10.465–1.

The NPRM inadvertently included proposed regulatory text amending 46 CFR 10.464(b) to permit mariners to count time spent in Coast Guard approved training programs toward the service requirements for a limited master of towing license. Because that amendment was not intended and not discussed in the NPRM preamble, the amendment of § 10.464(b) is not included in this rule.

All of the comments that addressed allowing reduced sea-service time to qualify for a mate (pilot) of towing vessels license by completing additional approved training supported that part of the proposed rule. One comment offered support for the training allowance ''provided that the process of obtaining Coast Guard approval for proposed courses and training programs are reasonable with uniform and accessible guidelines for submittal.'' Another commenter agreed that those who attend approved training for apprentice mate should be given credit towards the sea-service requirement, but cautioned that ''anything more than day-for-day credit would be overly generous and not in the best interests of safety.''

We believe the existing processes for obtaining Coast Guard approval of training are reasonable. Approval of training is governed by 46 CFR Part 10, Subpart C—*Training Schools With Approved Courses.* The requirements and standards for training approval are contained in 46 CFR 10.302 and 10.303. The actual amount of sea-service credit is specified in the approval letter for the training course or program, which has been clarified in a revision to footnote 5 in Table 10.465–1. Based on an evaluation of various factors, the Coast Guard affords some training greater sea-service credit than others. The Coast Guard may grant more than one-for-one credit when appropriate and on a case-by-case basis, and ensures that safety standards remain high.

(3) *Alternate progression:* This rule inserts a new paragraph (e) in 46 CFR 10.465 that allows a master of steam or motor vessels of any tonnage of 200 GRT or less to become a mate (pilot) of towing vessels under certain conditions. The new paragraph provides that an applicant needs three years of service as master of steam or motor vessels of any tonnage that is 200 GRT or less, completion of a Towing Officer Assessment Record (TOAR), completion of the towing vessel license (apprentice mate) exam, and a minimum of 30 days of training and observation on a towing vessel on the route being sought.

This rule also adds the words ''a minimum of'' before the existing words ''30 days of training and observation on towing vessels * * *'' in 46 CFR 10.465(d)(1) and 10.464(f)(1) to make those respective paragraphs consistent with each other and the new 46 CFR 10.465(e). This editorial amendment clarifies our intent that individuals may, and usually will, have more than 30 days of training and observation on towing vessels.

In addition, the regulatory language in §§ 10.464(f) and 10.465(d) has been revised to make it less confusing. This rule replaces the descriptive terms ''inspected, self-propelled vessels'' with the actual endorsement title ''master of steam or motor vessels.''

The voluntary alternate progression provisions generated the most public interest and discussion in the comments received. Of the 14 comments received, six expressed strong support for the alternate progression, four expressed concern regarding the alternate progression, one recommended minor wording changes to the alternate progression regulatory text without expressing an opinion as to the merits of the alternate progression, and three comments did not address the alternate progression. This is in addition to the original petition for rulemaking from Delta Towing Co. requesting the alternate progression, and the positive endorsement of TSAC, which expressed strong support for the alternate progression and recommended that it be implemented as quickly as possible.

The proponents of the alternate progression, including TSAC, laud it as a streamlined mechanism for experienced masters from other segments of the industry to operate towing vessels. They see it as facilitating the entry of experienced masters of crewboats, supply boats, and other small vessels into the towing industry, which is expected to help alleviate the shortage of towing vessel officers while maintaining high standards of maritime safety. The proponents view the alternate progression as a ''win'' for the towing industry by ultimately making more towing vessel officers available to companies for employment, and for individual mariners who will now have a more flexible and viable path to diversify their service.

The four opponents of the alternate progression are all currently licensed towing vessel masters. They are concerned that the alternate progression ''lowers the bar for training'' on towing vessels and negatively impacts safety. They expressed particular concern with the requirement of only 30 days training and observation on towing vessels for the alternate progression candidates. They recommended that the current towing vessel licensing rules should remain unchanged because the current rules ensure an appropriate level of training and qualification for towing vessel officers.

A comparison of the existing mate (pilot) requirements under 46 CFR 10.465 to the alternate progression revision shows that the level of experience and training required of the new alternate progression candidates is equivalent to, or even surpasses, existing requirements. Currently, under 46 CFR 10.465, a mate (pilot) candidate needs a total of 30 months sea service, 24 months of which have to be on a towing vessel. Of the 24 months on a towing vessel, 12 months must be as an apprentice mate, essentially in trainee status. The other 12 months could be in any capacity, including unlicensed deckhand. Additionally, the candidate must complete a TOAR or approved course, and pass an exam.

In contrast, under the voluntary alternate progression provided by this rule, a mate (pilot) of towing vessels candidate needs a total of 36 months as master of a steam or motor vessel that is 200 GRT or less. This is in addition to the sea service required to obtain that master's license, which is at least 24 months except as described below. These sea service requirements together total 5 years, at least 3 years of which must be as a master of a steam or motor vessel that is 200 GRT or less.

A master of Great Lakes and inland vessels not more than 100 GRT is required to accumulate at least 12 months sea service to obtain a master's license. This requirement plus at least 3 years as a master of a steam or motor vessel that is 200 GRT or less produces a total requirement of 4 years sea service to advance to mate (pilot) under the alternate progression.

Additionally, an alternate progression candidate must also complete a TOAR or approved course, pass an exam, and complete a minimum of 30 days training and observation on towing vessels.

It should be emphasized that an alternate progression candidate must serve a minimum of 30 days and complete the TOAR on a towing vessel. The TOAR is extensive, difficult to complete in only 30 days, and most people take considerably more time. One commenter, who opposed the alternate progression, advised that he is a designated examiner, and that ''* * * it is simply not possible [to complete a TOAR in only 30 days] regardless of the candidate's previous experience!''

The Great Lakes/Inland TOAR, for example, contains almost 70 different tasks or duties that the candidate must perform proficiently to the satisfaction of the designated examiner. This must be done on the towing vessel, and it would be difficult for the candidate to satisfactorily do it all in only 30 days.

In summary, to take advantage of the ''alternate progression'' to mate (pilot), an individual has to be a highly experienced master, requiring in most cases at least 2 years more sea service, at a higher level of responsibility, than a mate (pilot) candidate under the current regulations. The alternate progression includes the exact same TOAR and exam requirements as the current regulations, and has an additional requirement of a minimum of 30 days training and observation on a towing vessel. We anticipate that most alternate progression candidates may, in fact, have much more than 30 days on a towing vessel because of the time needed to complete the TOAR.

In response to the comments opposing the alternate progression, we have revised the text of 46 CFR 10.465(e) by inserting the words ''a minimum of'' before the words ''30 days of training and observation on towing vessels * * *'' This rule also adds the words ''a minimum of'' before the existing words ''30 days of training and observation on

towing vessels * * *'' in 46 CFR 10.465(d)(1) and 10.464(f)(1) to make those respective paragraphs consistent with the new 46 CFR 10.465(e). This clarifies our intent that the individual may have more than 30 days of training and observation on towing vessels.

Another commenter supported the alternate progression, and recommended two additional modifications to ''broaden its utility without undermining its fundamental objectives.'' The commenter recommended allowing mates as well as masters of less than 200 GRT vessels to be included in the alternate progression, and that alternate progression candidates be required to have 36 months of service either ''operating under'' or merely ''holding'' a less than 200 GRT license.

The same commenter advised that the current allowance in 46 CFR 10.465(d) for individuals with licenses more than 200 GRT to operate towing vessels as a mate (pilot) only requires the individual to hold a mate (not a master) license more than 200 GRT. The commenter further advised that, with respect to their second recommendation, there are mariners who hold less than 200 GRT licenses but are not actually working ''under the authority'' of the license because they are serving in unlicensed capacities aboard towing vessels, and recommended that this time should count for the alternate progression.

We disagree at this time. A key to the alternate progression to mate (pilot) of towing vessels for individuals with licenses less than 200 GRT is their level of responsibility while accumulating the required 3 years of sea service. Someone serving as a master of a less than 200 GRT vessel for the required 3 years has a higher level of responsibility than a mate on a less than 200 GRT vessel. This elevates the quality of the service to an extent that we believe it should be counted towards mate (pilot) of towing vessel under the alternate progression. Further, if we change the language to require 36 months service while ''holding'' or operating under the authority of the license, that service could have been accumulated in any capacity, with a lower degree of responsibility than master.

In order to better clarify that our intent in the NPRM was to count only time served as a master of vessels 200 GRT or less toward the alternate progression requirement, we revised § 10.465(e)(1) to read: ''* * * 36 months of service as a master under the authority of a license described in paragraph (e) of this section.'' We can reevaluate the changes recommended by this commenter for future revision of the regulation after the new rule has been implemented and we have better data as to the actual success of the alternate progression.

One commenter expressed support for the alternate progression and recommended expanding its scope to encompass the limited master of towing vessels license in 46 CFR 10.464(b). As discussed above, the NPRM inadvertently included such a provision in the regulatory text. Because the NPRM preamble did not discuss this change, the public did not receive adequate notice, and the provision has been removed from this rule accordingly.

Additionally, paragraph (b) of 46 CFR 10.464 already allows a significant reduction in required service in that an apprentice mate (steersman) can proceed directly to limited master, bypassing mate (pilot) altogether, with 36 months total service, 18 months of which must be as an apprentice mate (steersman). We are not prepared to further alter this already reduced burden at this time, and intend to reevaluate the limited master of towing vessels' requirements for future revision after we have data on the implementation of the alternate progression.

One commenter, who did not clearly support or oppose the alternate progression, recommended two specific changes to the proposed regulation. First, the commenter recommended changing proposed 46 CFR 10.465(e) from ''* * * of any tonnage less than 200 GRT * * *'' to ''of any tonnage not more than 200 GRT.'' We agree in part, and have changed § 10.465(e) to read ''* * * of any tonnage that is 200 GRT or less * * *'' This approach is preferred because the provision should be broad enough to include licenses authorizing service on vessels of lesser tonnage.

Second, the commenter recommended that the word ''appropriate'' should be deleted from proposed 46 CFR 10.465(e)(2) and (3) because it is too general. We disagree. The word ''appropriate'' is necessary here because there are different TOARs and different apprentice mate exams, depending on the route(s) that an applicant seeks to be endorsed on the license.

The same commenter also discussed the statement in the NPRM Regulatory Evaluation (72 FR 52843) that the ''Coast Guard's current regulations do not count time spent in a rigorous Coast Guard-approved towing training course toward the minimum service time requirements.'' The commenter pointed out that this language is confusing, particularly the use of the word ''rigorous'' in this context. We agree that this language was confusing, and have deleted it in our revised discussion of training programs in the Regulatory Evaluation below.

Finally, one commenter, in expressing opposition to the alternate progression, pointed out an inaccuracy in the preamble language of the NPRM. Specifically, in the first column of 72 FR 52844, under *Benefits*, the Regulatory Evaluation states that ''such a candidate would have already served approximately five years (sixty months) as a licensed officer before receiving the endorsement.''

The commenter correctly advised that a candidate may have five years of experience, but not necessarily as a licensed officer. Alternate progression candidates who hold a 100 GRT license, are required to have 2 years of service in any capacity in the deck department pursuant to 46 CFR 10.428. Candidates who hold a 200 GRT near coastal license are required to have 2 years of service, only one of which must be as a master or mate, and the other year can be in any capacity in the deck department, pursuant to 46 CFR 10.426. We concur with the commenter in this regard, and have corrected the preamble language accordingly.

We have also clarified in the preamble language above that masters of Great Lakes and inland vessels not more than 100 GRT only need a minimum of 4 years total sea service to complete the alternate progression to mate (pilot), as opposed to 5 years. This is because they only need 12 months total deck service to obtain their licenses under 46 CFR 10.455, plus the additional 3 years serving as a master under their license, to advance to mate (pilot) under the alternate progression.

V. Regulatory Evaluation

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analysis based on 13 of these statutes or executive orders.

A. Executive Order 12866

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. However, we have performed the following analysis of costs and benefits.

The rule is divided into three elements: Radar endorsement, training programs, and alternate progression.

This analysis will consider each of the three elements separately.

Radar Endorsement

This part of the rule removes the expiration date of the radar-observer endorsement from the merchant mariner licenses. Previously, 46 CFR 10.480(g) required that the Coast Guard print both the endorsement and license expiration dates on the merchant mariner license.

Since the endorsement expiration date is tied to the date training is completed and the license is generally issued after the training is completed, the radar-observer endorsement expiration date often preceded that of the license. The Coast Guard has determined that many people mistake the radar-observer endorsement expiration date for that of the license itself. Removing the radar-observer endorsement expiration date would reduce confusion without affecting safety. Safety would remain unchanged because mariners and companies would still be required to keep training records current and readily available. Based on 2007 data from the Coast Guard's National Maritime Center, we estimate that the rule will effect about 8000 radar-observer endorsements per year. This total includes both original and other than original endorsements.

Costs: Implementing this element of the rule would impose no additional cost on the economy. This rule contemplates no change in the fee paid for a merchant mariner license.

Benefits: Removing the expiration date from the merchant mariner license will simplify the process of issuing licenses and reduce confusion caused by displaying the two expiration dates on the license. That confusion could be denying some mariners the full five-year term of their licenses. The rule allows such mariners to maintain the full five-year term of their mariner's license, giving them greater flexibility in deciding when to renew their licenses.

Training Programs

This part of the rule allows applicants for mate (pilot) of towing vessels to apply time spent in Coast Guard-approved training programs toward the minimum length of service requirement.

The Coast Guard's regulations did not count time spent in a Coast Guard-approved towing training program toward the minimum service time requirements. Prospective mates (pilots) that elected to take such training would forego a chance to qualify for their licenses sooner. The changes reduce this disincentive and therefore encourage more prospective towing vessel officers to enroll in training programs and more towing companies and training institutions to establish them. The Coast Guard believes that increasing the number of approved towing training program graduates among towing vessel officers could increase overall towing safety.

Costs: This element of the rule increases industry and mariner flexibility. It does not impose mandatory costs on the economy because towing companies, mariners and training institutions would voluntarily exercise this flexibility only if they expected that it would make business sense for them to do so.

Benefits: The training program part of the rule is expected to lead to an increase in the number of prospective mates (pilots) enrolling in Coast Guard-approved towing officer training programs. Such an increase would improve navigational safety. See the Regulatory Evaluation section of the NPRM for additional discussion of this subject.

The Coast Guard already allows applicants for certain engineering and deck licenses to substitute time spent in a Coast Guard-approved training course toward service time requirements, as described in 46 CFR 10.304, ''Substitution of training for required service, use of training-record books, and use of towing officer assessment records.'' The training programs element of the rule extends that flexibility to applicants for licenses as mate (pilot) of towing vessels.

Alternate Progression

This part of the new rule allows individuals who have served three years or longer as a master of steam or motor vessels of any tonnage that is 200 GRT or less, except for the limited masters' licenses specified in §§ 10.429 and 10.456, to obtain a license as a mate (pilot) of towing vessels on a particular route after completing a TOAR, the appropriate apprentice mate exam, and a minimum of a 30-day period of training and observation on a towing vessel on that route.

Costs: There are no mandatory costs resulting from this change to industry or mariners. Mariners would voluntarily take advantage of this provision only if they would gain a net benefit from doing so.

Benefits: This rule will increase flexibility for certain mariners. The alternate progression part of this rule would extend similar flexibility to a sufficiently experienced master of steam or motor vessels not more than 200 GRT. The Coast Guard has determined that this part of the rule will not reduce maritime safety. Candidates eligible for a license as a mate (pilot) of towing vessels under this rule will have the same level of knowledge as those seeking a license as a master of towing vessels because they would be required to pass the same apprentice mate exam.

B. Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

As explained previously, the Coast Guard does not expect that the rule will have a significant economic impact upon operating companies, some of which are small entities. The Coast Guard does not expect the rule to have a significant impact upon small businesses. The Coast Guard likewise expects no significant economic impact upon not-for-profit organizations or government jurisdictions, because the rule does not change any requirements for either. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

D. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

E. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

F. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

G. Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

H. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or safety that may disproportionately affect children.

J. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

K. Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Management and Budget, Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

L. Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g. specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 5100.1 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that, under the Instructions, there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. This rule is categorically excluded, under figure 2–1, paragraph (34)(c), of the Instruction from further environmental documentation because this regulation concerns the training, qualifying, licensing and disciplining of maritime personnel. A final ''Environmental Analysis Check List'' and a final ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES**.

List of Subjects

46 CFR Part 10

Penalties, Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Part 15

Reporting and recordkeeping requirements, Seamen, Vessels.

■ For the reasons discussed in the preamble, the Coast Guard amends 46 CFR parts 10 and 15 as follows:

PART 10—LICENSING OF MARITIME PERSONNEL

■ 1. The authority citation for part 10 continues to read as follows:

Authority: 14 U.S.C. 633; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, and 2110; 46 U.S.C. chapter 71; 46 U.S.C. 7502, 7505, 7701, and 8906; Executive Order 10173; Department of Homeland Security Delegation 0170.1. Section 10.107 is also issued under the authority of 44 U.S.C. 3507.

■ 2. Amend § 10.304 by adding new paragraph (j) to read as follows:

§ 10.304 Substitution of training for required service, use of training record books, and use of towing officer assessment records.

* * * * *

(j) Substitution of a training program in lieu of required service for a license as mate (pilot) of towing vessels is governed by § 10.465(a) and table 10.465–1 of this part.

■ 3. In § 10.464—

■ (a) In paragraph (f) introductory text, remove the words ''inspected, self-propelled'' and add, in their place, the words ''steam or motor''; and,

■ (b) Revise paragraph (f)(1) to read as follows:

§ 10.464 Requirements for licenses as master of towing vessels.

* * * * *

(f) * * *

(1) Have a minimum of 30 days of training and observation on towing vessels for the route being assessed, except as noted in paragraph (e) of this section; and

* * * * *

■ 4. In § 10.465—

■ a. Amend paragraph (a) by adding the following sentence to the end of the paragraph;

■ b. Revise table 10.465–1 to read as follows;

■ c. In paragraph (d) introductory text, remove the words ''inspected, self-propelled'' and add, in their place, the words ''steam or motor'';

■ d. Revise paragraph (d)(1) to read as follows; and

■ e. Redesignate existing paragraphs (e) and (f) as paragraphs (f) and (g) and add new paragraph (e) to read as follows:

§ 10.465 Requirements for licenses as mate (pilot) of towing vessels.

(a) * * * Time of service requirements as an apprentice mate (steersman) of towing vessels may be reduced by an amount equal to the time specified in the approval letter for the completed Coast Guard-approved training programs.

TABLE 10.465–1—REQUIREMENTS FOR LICENSE AS MATE (PILOT [1]) OF TOWING VESSELS

1	2	3	4	5	6	7
Route endorsed	Total service [2]	TOS [3] on T/V as apprentice mate (steersman) [5]	TOS [3] on particular route	TOAR [4] or an approved course	30 days of observation and training while holding master (limited) and pass a limited examination	Subordinate route authorized
(1) OCEANS (O)	30	12 of 30	3 of 12	YES	YES	NC, GL–I
(2) NEAR-COASTAL (NC)	30	12 of 30	3 of 12	YES	YES	GL–I
(3) GREAT LAKES-INLAND (GL–I).	30	12 of 30	3 of 12	YES	YES.	
(5) WESTERN RIVERS (WR).	30	12 of 30	3 of 12	YES	NO (90-days service required).	

[1] For all inland routes, as well as Western Rivers, the license as pilot of towing vessels is equivalent to that as mate of towing vessels. All qualifications and equivalencies are the same.
[2] Service is in months unless otherwise indicated.
[3] TOS is time of service.
[4] TOAR is Towing Officers' Assessment Record.
[5] Time of service requirements as an apprentice mate (steersman) of towing vessels may be reduced by an amount equal to the time specified in the approval letter for a completed Coast Guard-approved training program.

* * * * *

(d) * * *

(1) Have a minimum of 30 days of training and observation on towing vessels for the route being assessed, except as noted in paragraph (b) of this section; and

* * * * *

(e) If you hold any license as a master of steam or motor vessels of any tonnage that is 200 GRT or less, except for the limited masters' licenses specified in 46 CFR 10.429 and 10.456, then you may obtain an endorsement as mate (pilot) of towing vessels by meeting the following requirements:

(1) Providing proof of 36 months of service as a master under the authority of a license described in paragraph (e) of this section;

(2) Successfully completing the appropriate TOAR;

(3) Successfully completing the appropriate apprentice mate exam; and

(4) Having a minimum of 30 days of training and observation on towing vessels for the route being assessed, except as noted in paragraph (b) of this section.

* * * * *

§ 10.480 [Amended]

■ 5. Amend § 10.480 as follows:

■ a. In paragraph (f), remove ''Except as provided by paragraph (k) of this section,''; and

■ b. Remove paragraphs (g) and (k), and redesignate paragraphs (h), (i), and (j) as (g), (h), and (i), respectively.

PART 15—MANNING REQUIREMENTS

■ 6. Revise the authority citation for part 15 to read as follows:

Authority: 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8103, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), 8906 and 9102; and Department of Homeland Security Delegation No. 0170.1.

■ 6. In § 15.815—

■ a. In paragraphs (a), (b), and (c), remove the words ''a valid endorsement'' and add, in their place, the words ''an endorsement''; and

■ b. Add new paragraphs (d) and (e) to read as follows:

§ 15.815 Radar observers.

* * * * *

(d) Each person who is required to hold a radar endorsement must have their certificate of training readily available to demonstrate that the endorsement is still valid.

(e) For the purposes of this section, ''readily available'' means that the mariner must carry the original certificate of training or a notarized copy thereof onboard. Alternatively, the mariner must provide a copy of the certificate of training to the requesting entity within 48 hours. The requested material may be delivered either physically, electronically, or by facsimile.

Dated: August 27, 2008.

Brian M. Salerno,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety, Security & Stewardship.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 0808211134–81140–01]

RIN 0648–AX21

Pacific Halibut Fisheries; Guided Sport Charter Vessel Fishery for Halibut

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

ACTION: Final rule.

SUMMARY: NMFS withdraws regulations that placed limits on charter vessel anglers, including a one-halibut daily bag limit in International Pacific Halibut Commission Area 2C. The U.S. District Court for the District of Columbia issued a Temporary Restraining Order (TRO) on June 10, 2008 (amended on June 13, 2008), and a Preliminary Injunction (PI) on June 20, 2008, enjoining and restraining NMFS from giving any effect to or otherwise taking any action to enforce the one-halibut daily bag limit restriction for charter vessel anglers.

The TRO (as amended) and the PI direct that the daily bag limit should revert to the two-fish daily bag limit with one fish no more than 32 inches (81.3 cm) head-on length that was in place prior to the one-fish daily bag limit. This action ensures that regulatory text provides accurate information to the regulated public. The intended effect is to make regulatory requirements consistent with a duly issued court order.

DATES: Effective September 8, 2008.

ADDRESSES: Copies of the Environmental Assessment (EA), Regulatory Impact Review (RIR), Initial Regulatory Flexibility Analysis (IRFA), and Final Regulatory Flexibility Analysis (FRFA) prepared for the action withdrawn by this rule and a copy of the Categorical Exclusion prepared for this rule may be obtained from NMFS Alaska Region, P.O. Box 21668, Juneau, Alaska 99802, Attn: Ellen Sebastian, and on the NMFS Alaska Region website at *http://alaskafisheries.noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Julie Scheurer or Jay Ginter, (907) 586–7228.

SUPPLEMENTARY INFORMATION: The International Pacific Halibut Commission (IPHC) and NMFS manage fishing for Pacific halibut (*Hippoglossus stenolepis*) through regulations established under the authority of the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773–773k. (Halibut Act). The IPHC promulgates regulations governing the Pacific halibut fishery under the Convention between Canada and the United States of America for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention), signed in Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention, signed in Washington, DC, on March 29, 1979. Regulations developed by the IPHC are subject to approval by the Secretary of State with concurrence of the Secretary of Commerce (Secretary). After approval by the Secretary of State and concurrence by the Secretary, the IPHC regulations are published in the **Federal Register** as annual management measures pursuant to 50 CFR 300.62.

The Halibut Act at section 773c(c) authorizes the Regional Fishery Management Council that has the authority for the geographic area concerned to develop regulations, subject to approval by the Secretary. These regulations are in addition to, and cannot conflict with, regulations recommended by the IPHC and approved by the Secretary of State. The North Pacific Fishery Management Council (Council) has the authority for the waters off Alaska. The Council has exercised its authority under the Halibut Act, most notably in the development of the Individual Fishing Quota (IFQ) Program, codified at 50 CFR part 679, and subsistence halibut fishery measures, codified at 50 CFR 300.65.

The Halibut Act at sections 773c(a) and (b) provides the Secretary with the general responsibility to carry out the Convention with the authority to, in consultation with the Secretary of the department in which the Coast Guard is operating (currently the Secretary of Homeland Security), adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. Actions by NMFS are under delegated authority of the Secretary.

The Council, at its June 2007 meeting in Sitka, Alaska, initiated action to develop regulations to limit charter vessel angler catch to the guideline harvest level (GHL) for 2008. The GHL is an amount determined by taking the Annual Total Constant Exploitation Yield for Pacific halibut, which is the target amount of allowable mortality for a given area as determined by the IPHC, and comparing that to various levels in the table at 50 CFR 300.65(c)(1). After the appropriate yield is found in the table, a corresponding GHL amount can be determined. In June 2007, the GHL was at 1,432,000 lb (649.5 mt), and management measures had already been put into place to limit charter vessel angler catch. However, forecasts of the 2008 Annual Total Constant Exploitation Yield indicated that a potential reduction in that amount might be sufficient to reduce the Annual Total Constant Exploitation Yield to a lower level in the table at 50 CFR 300.65(c)(1), thus resulting in a lower corresponding GHL. Based on that information, the Council recommended that two alternative regulatory options be proposed, one option (Option A) to accommodate a GHL that would be the same as the one in 2007, and one option (Option B) to accommodate a lower GHL.

On December 31, 2007, NMFS published a proposed rule (72 FR 74257) that included the two options as explained above. The comment period for that proposed rule ended on January 30, 2008. On February 5, 2008, NMFS published a notice (73 FR 6709) pursuant to 50 CFR 300.65(c) indicating that the 2008 GHL for IPHC Area 2C was 931,000 lb (422.3 mt), based on the 2008 Annual Total Constant Exploitation Yield and the corresponding GHL in the table at 50 CFR 300.65(c)(1). The 2008 GHL was lower than the 2007 GHL. Based on information in the analysis that accompanied the proposed rule, NMFS published a final rule on May 28, 2008 (73 FR 30504), with management measures sufficient to limit the charter vessel angler catch to an amount close to the 2008 GHL (i.e., Option B, or the lower GHL scenario in the proposed rule). These management measures included a one-halibut daily bag limit for charter vessel anglers in IPHC Area 2C.

On June 2, 2008, various members of the charter vessel halibut fishery, including lodge owners and charter vessel owners in Southeast Alaska (Plaintiffs), brought action requesting a TRO against enforcement of the one-halibut daily bag limit (*Van Valin, et al. v. Gutierrez*, Civil Action No. 1:08–cv–941). On June 10, 2008, the U.S. District Court for the District of Columbia determined that the Plaintiffs had met their burden for the issuance of a TRO and granted the order (Order to Grant the Plaintiffs Motion for a Temporary Restraining Order, issued June 10, 2008, and Amended Order, issued June 13, 2008). On June 20, 2008, the Court issued a PI enjoining NMFS from enforcing its one-halibut daily bag limit. The Court determined that the Plaintiffs had met the burden for granting a PI, including demonstrating a likelihood of success on the merits of their claims.

Based on the TRO and the PI invalidating the one-halibut daily bag limit, and the decreasing level of effectiveness of any management measures as the fishing season approaches its end (the majority of halibut is caught during June, July, and August), NMFS has decided to withdraw its regulations at 50 CFR part 300 that were published on May 28, 2008 (73 FR 30504).

Classification

This final rule has been determined to be not significant for purposes of Executive Order 12866.

This final rule complies with the Halibut Act and the Secretary's authority to implement allocation measures for the management of the Pacific halibut fishery.

An Initial Regulatory Flexibility Analysis (IRFA) and a Final Regulatory Flexibility Analysis (FRFA) were prepared for the regulations that are withdrawn by this final rule. The IRFA and FRFA described the economic impact the withdrawn regulations would have had on directly regulated small entities compared with the *status quo*. The *status quo* evaluated in those analyses depicts the economic and regulatory conditions that will be in effect when the action is withdrawn. Summary descriptions of the IRFA and

FRFA are contained in the proposed rule published December 31, 2007 (72 FR 74257) and the final rule published May 28, 2008 (73 FR 30504), respectively.

The Assistant Administrator for Fisheries, NOAA, finds good cause to waive notice and public procedure on this action because it is contrary to the public interest, as provided by 5 U.S.C. 553(b)(B). This action ensures that regulatory text provides accurate information to the regulated public consistent with a duly issued court order. No alternative exists to compliance with the court order; therefore, opportunity for public comment would have no effect other than to slow the process of making the affected regulations consistent with the court order. The public would be best served by having accurate information in regulatory text immediately. Furthermore, the Assistant Administrator for Fisheries waives the 30-day delayed effectiveness period, as provided by 5 U.S.C. 553(d)(3) for the reasons stated above and because the impacts of this action (primarily the removal of a one-halibut daily bag limit for charter anglers in Area 2C) is already effective based on the court order and this will bring the codified regulations into compliance with currently effective bag limits. These waivers make the rule effective immediately upon filing with the Office of the **Federal Register**. Because notice and comment is not required, no additional regulatory flexibility analysis is required, and none has been prepared.

List of Subjects in 50 CFR Part 300

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Dated: September 8, 2008.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For the reasons set out in the preamble, NMFS amends 50 CFR part 300 as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

■ 1. The authority citation for 50 CFR part 300, subpart E, continues to read as follows:

Authority: 16 U.S.C. 773–773k.

§ 300.61 [Amended]

■ 2. In § 300.61, remove definitions for ''Area 3A'', ''Charter vessel angler'', ''Charter vessel fishing trip'', ''Charter vessel guide'', ''Charter vessel operator'', ''Charter vessel services'', ''Crew member'', and ''Sport fishing guide services''.

■ 3. In § 300.65, revise paragraph (d) to read as follows:

§ 300.65 Catch sharing plan and domestic management measures in waters in and off Alaska.

* * * * *

(d) In Commission Regulatory Area 2C, halibut harvest on a charter vessel is limited to no more than two halibut per person per calendar day provided that at least one of the harvested halibut has a head-on length of no more than 32 inches (81.3 cm). If a person sport fishing on a charter vessel in Area 2C retains only one halibut in a calendar day, that halibut may be of any length.

* * * * *

■ 4. In § 300.66, remove paragraphs (n), (o), and (p), and revise paragraph (m) to read as follows:

§ 300.66 Prohibitions.

* * * * *

(m) Possess halibut onboard a charter vessel in Area 2C that has been mutilated or otherwise disfigured in a manner that prevents the determination of size or number of fish, notwithstanding the requirements of the Annual Management Measure 25(2) and (7) (as promulgated in accordance with § 300.62 and relating to Sport Fishing for Halibut). Filleted halibut may be possessed onboard the charter vessel provided that the entire carcass, with the head and tail connected as a single piece, is retained onboard until all fillets are offloaded.

[FR Doc. E8–21131 Filed 9–8–08; 4:15 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 071106673–8011–02]

RIN 0648–XK38

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amount of Pacific cod from catcher vessels greater than or equal to 60 feet (≥ 18.3 meters (m)) length overall (LOA) using hook-and-line gear and Pacific cod from vessels using jig gear to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the 2008 total allowable catch (TAC) of Pacific cod to be harvested.

DATES: Effective September 8, 2008, through 2400 hrs, Alaska local time (A.l.t.), December 31, 2008.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2008 Pacific cod TAC specified for catcher vessels greater than or equal to 60 feet (≥ 18.3 m) LOA using hook-and-line gear in the BSAI is 153 metric tons (mt) as established by the final 2008 and 2009 harvest specifications for groundfish in the BSAI (73 FR 10160, February 26, 2008) and reallocation on August 28, 2008 (73 FR 51243, September 2, 2008).

The 2008 Pacific cod TAC specified for vessels using jig gear in the BSAI is 684 metric tons (mt) as established by the final 2008 and 2009 harvest specifications for groundfish in the BSAI (73 FR 10160, February 26, 2008) and reallocations on February 28, 2008 (73 FR 11562, March 4, 2008), April 10, 2008 (73 FR 19748, April 11, 2008), and August 19, 2008 (73 FR 49962, August 25, 2008).

The Acting Administrator, Alaska Region, NMFS, has determined that catcher vessels greater than or equal to 60 feet (≥ 18.3 m) length LOA using hook-and-line gear will not be able to harvest 153 mt and vessels using jig gear will not be able to harvest 424 mt of the 2008 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A). Therefore, in accordance with § 679.20(a)(7)(iii)(A), NMFS allocates 153 mt of Pacific cod from the catcher vessels greater than or equal to 60 feet (≥ 18.3 m) length LOA using hook-and-line gear allocation and 424 mt from the jig gear allocation to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI.

The harvest specifications for Pacific cod included in the harvest specifications for groundfish in the BSAI (73 FR 10160, February 26, 2008) are revised as follows: 5,210 mt to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear, 0 mt to catcher vessels ≥ 60 feet (18.3 m) LOA using hook-and-line gear, and 260 mt to vessels using jig gear.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of Pacific cod to catcher vessels using hook-and-line or pot gear. Since the fishery is currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 5, 2008.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 8, 2008.

James P. Burgess,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E8–21122 Filed 9–8–08; 4:15 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 071106673–8011–02]

RIN 0648–XK39

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands

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

ACTION: Temporary rule; modification of a closure.

SUMMARY: NMFS is opening directed fishing for Pacific cod by catcher vessels less than 60 feet (18.3 meters (m)) length overall (LOA) using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully use the 2008 total allowable catch (TAC) of Pacific cod allocated to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 12, 2008, through 2400 hrs, A.l.t., December 31, 2008. Comments must be received at the following address no later than 4:30 p.m., A.l.t., September 23, 2008.

ADDRESSES: Send comments to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified by ''RIN 0648–XK39,'' by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal website at *http://www.regulations.gov*.
- Mail: P. O. Box 21668, Juneau, AK 99802.
- Fax: (907) 586–7557.
- Hand delivery to the Federal Building: 709 West 9th Street, Room 420A, Juneau, AK.

All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* 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.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

FOR FURTHER INFORMATION CONTACT: Jennifer Hogan, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

NMFS prohibited directed fishing for Pacific cod by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI under § 679.20(d)(1)(iii) on March 21, 2008 (73 FR 15677, March 25, 2008), reopened the fishery on April 30, 2008 (73 FR 22063, April 24, 2008), and closed the fishery again on May 6, 2008 (73 FR 26339, May 10, 2008). NMFS reallocated 1,200 metric tons (mt) from jig gear on February 26, 2008 (73 FR 11562, March 4, 2008), 400 mt from jig gear on April 11, 2008 (73 FR 19748, April 11, 2008), and 577 mt from jig gear and catcher vessels greater than or equal to 60 feet (18.3 m) LOA using hook-and-line gear on September 5, 2008 (73 FR 51243, September 2, 2008).

NMFS has determined that as of September 5, 2008, approximately 600 mt of Pacific cod remain in the 2008 Pacific cod TAC allocated to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully use the 2008 TAC of Pacific cod allocated to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI, NMFS is terminating the previous closure and is opening directed fishing for Pacific cod by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI. The opening is effective 1200 hrs, A.l.t., September 12, 2008, through 2400 hrs, A.l.t., December 31, 2008.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and

opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of the Pacific cod fishery by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet and processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 5, 2008.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Without this inseason adjustment, NMFS could not allow the fishery for Pacific cod by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until September 23, 2008.

This action is required by § 679.25 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 8, 2008.

James P. Burgess,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E8–21123 Filed 9–8–08; 4:15 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 73, No. 177
Thursday, September 11, 2008

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

[Docket No. 080219210–8245–01]

RIN 0691–AA65

Direct Investment Surveys: BE–15, Annual Survey of Foreign Direct Investment in the United States

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule amends regulations of the Bureau of Economic Analysis, Department of Commerce (BEA) to set forth reporting requirements for the BE–15, Annual Survey of Foreign Direct Investment in the United States. The BE–15 is conducted annually and is a sample survey that obtains financial and operating data on U.S. affiliates of foreign companies. BEA proposes the addition and deletion of items on the survey forms and changes to the reporting criteria. The changes to the BE–15 annual survey will: Reduce detail and raise reporting thresholds; extend the coverage of the survey to include banks; and bring the survey forms and instructions into conformity with the 2007 BE–12, Benchmark Survey of Foreign Direct Investment in the United States.

DATES: Comments on this proposed rule will receive consideration if submitted in writing on or before 5 p.m. November 10, 2008.

ADDRESSES: You may submit comments, identified by RIN 0691–AA65, and referencing the agency name (Bureau of Economic Analysis), by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. For agency, select ''Commerce Department—all.''
- *E-mail: David.Galler@bea.gov.*
- *Fax:* Office of the Chief, Direct Investment Division, (202) 606–5318.
- *Mail:* Office of the Chief, Direct Investment Division, U.S. Department of Commerce, Bureau of Economic Analysis, BE–50, Washington, DC 20230.
- *Hand Delivery/Courier:* Office of the Chief, Direct Investment Division, U.S. Department of Commerce, Bureau of Economic Analysis, BE–50, Shipping and Receiving, Section M100, 1441 L Street, NW., Washington, DC 20005.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in the proposed rule should be sent to both BEA through any of the methods above and to the Office of Management and Budget, O.I.R.A., Paperwork Reduction Project 0608–0034, Attention PRA Desk Officer for BEA, via e-mail at *pbugg@omb.eop.gov,* or by FAX at 202–395–7245.

Public Inspection: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commentator may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. BEA will accept anonymous comments.

FOR FURTHER INFORMATION CONTACT: David H. Galler, Chief, Direct Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606–9835.

SUPPLEMENTARY INFORMATION: This proposed rule would amend 15 CFR 806.15 to set forth the reporting requirements for the BE–15, Annual Survey of Foreign Direct Investment in the United States. The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

Description of Revisions

The BE–15, Annual Survey of Foreign Direct Investment in the United States, is a mandatory survey and is conducted annually by BEA, under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108)—hereinafter, ''the Act.'' BEA will send the survey to potential respondents in March of each year; responses will be due by May 31.

The proposed changes to the 2008 annual survey are of three types: (1) Changes that will reduce detail and raise reporting thresholds, (2) changes that will extend the coverage of the survey to include banks, and (3) changes that align the BE–15 forms and instructions with those of the 2007 BE–12, Benchmark Survey of Foreign Direct Investment in the United States. The BE–15 survey forms have been revised and, in some cases, renamed to facilitate these proposed changes. The proposed survey is comprised of four forms: Form BE–15A (currently named Form BE–15(LF)), Form BE–15B (currently named Form BE–15(SF)), Form BE–15(EZ) (name unchanged), and BE–15 Claim for Exemption (currently named BE–15 Supplement C).

In order to align BEA's survey program with available resources, which have declined as a result of a recent reduction in BEA's budget, some data items will be dropped from the forms, reporting thresholds will be raised, and use of statistical sampling will be expanded. The following data items will no longer be collected: Selected balance sheet items; the breakdown of sales of services to foreign persons into sales of services to the foreign parent group, to foreign affiliates owned by the affiliate, and to other foreign persons; the breakdown of employment and employee compensation by occupational classification; the breakdown of total employee compensation into wages and salaries and employee benefit plans; data on the composition of external finances; research & development employees; imports of goods intended for further manufacture; manufacturing employment by state; gross property, plant, and equipment by state; commercial property by state; and wholesale and retail trade items. Reporting thresholds will be raised and greater use will be made of sampling, allowing smaller companies to file every other year rather than annually. BEA proposes to (1) increase the threshold for reporting on Form BE–15A from $125 million to $275 million; (2)

increase the threshold for reporting on Form BE–15B from $30 million to $120 million; and (3) increase the threshold for reporting on Form BE–15(EZ) from $30 million to $40 million. Also, filing on Form BE–15(EZ) would be required only every other year. In alternate years, potential respondents would receive a letter indicating that they are not required to file for that year and asking them to update their contact information with BEA. The new reporting thresholds will still allow BEA to produce high quality statistics; however, some reduction in published detail will be necessary because of insufficient coverage in some cells.

BEA proposes to collect data on bank affiliates on the BE–15 annual survey. Currently, collection of data on the BE–15 annual survey is limited to that of nonbank U.S. affiliates. Data for bank affiliates is collected once every five years on BEA's BE–12, Benchmark Survey of Foreign Direct Investment in the United States. This expansion in coverage of the BE–15 to include collection of data on bank affiliates is called for by the BEA Strategic Plan and is required to close a gap in BEA's data on multinational companies. (Data for banks are being collected on the BE–11, Annual Survey of U.S. Direct Investment Abroad, beginning with the survey for 2007). To collect data for a U.S. affiliate that is a bank, BEA plans to use the same forms that will be used for nonbank affiliates.

In order to align the BE–15 annual survey with the 2007 BE–12 benchmark survey, some detail that is no longer required will be eliminated from the BE–15A and several items will be added to the BE–15B. The BE–15A will no longer ask companies to identify expenditures for property, plant, and equipment as either new or used. On the BE–15B, items will be added to collect information on sales of goods, investment income, and sales of services for majority-owned U.S. affiliates. A further breakout of sales of services will be added to collect sales of services to U.S. persons and sales of services to foreign persons. Due to the proposed increase in the reporting threshold for the BE–15B, it is necessary to add these items to ensure adequate coverage at the industry and investing country level.

Survey Background

The Bureau of Economic Analysis (BEA), U.S. Department of Commerce, will conduct the survey under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108), hereinafter, ''the Act.'' Section 4(a) of the Act provides that with respect to foreign direct investment in the United States, the President shall, to the extent he deems necessary and feasible, conduct a regular data collection program to secure current information on international capital flows and other information related to international investment and trade in services, including (but not limited to) such information as may be necessary for computing and analyzing the United States balance of payments, the employment and taxes of United States parents and affiliates, and the international investment and trade in services position of the United States.

In Section 3 of Executive Order 11961, as amended by Executive Orders 12318 and 12518, the President delegated the responsibility for performing functions under the Act concerning direct investment to the Secretary of Commerce, who has redelegated it to BEA.

The annual survey is a sample survey that collects data on the financial structure and operations of U.S. affiliates of foreign companies needed to update similar data for the universe of U.S. affiliates collected once every 5 years in the BE–12 benchmark survey. The sample data are used to derive universe estimates of the operations of U.S. affiliates of foreign companies, including their balance sheets; income statements; property, plant, and equipment; employment and employee compensation; merchandise trade; sales of goods and services; taxes; and research and development activity. The data are needed to measure the size and economic significance of foreign direct investment in the United States, measure changes in such investment, and assess its impact on the U.S. economy. Such data are generally found in enterprise-level accounting records of respondent companies. The data are disaggregated by industry of U.S. affiliate, by country and industry of foreign parent or ultimate beneficial owner, and, for employment data, by State.

Executive Order 12866

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

Executive Order 13132

This proposed rule does not contain policies with Federalism implications as that term is defined in E.O. 13132.

Paperwork Reduction Act

This proposed rule contains a collection-of-information requirement subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). The requirement will be submitted to OMB for approval as a revision to a collection currently approved under OMB control number 0608–0034.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid Office of Management and Budget control number.

The BE–15 survey, as proposed, is expected to result in the filing of reports from approximately 3,650 U.S. affiliates. The respondent burden for this collection of information is expected to vary from 20 minutes for the smallest and least complex company reporting on the BE–15 Claim for Exemption to 470 hours for the largest and most complex company reporting on Form BE–15A, with an average burden of 18.6 hours per response. Thus the total respondent burden for this survey—including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information—is estimated at 68,000 hours (3,650 responses times 18.6 hours average burden). Total respondent burden for the previous (2006) annual survey was estimated at 107,900 hours. The decrease in respondent burden is due to (1) increased reporting thresholds which reduce the total number of respondents and allow more respondents to file on shorter forms, (2) increased use of sampling which allows BE–15(EZ) filers to submit forms only in alternate years, and (3) a reduction in the number of data items on the form which reduces the average burden per form.

Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

Written comments regarding the burden-hour estimates or other aspects of the collection of information requirements contained in the proposed rule should be sent to both BEA and

OMB following the instructions given in the **ADDRESSES** section above.

Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposed rulemaking, if adopted, will not have a significant economic impact on a substantial number of small entities. Few small U.S. businesses are subject to the reporting requirements of this survey. Under the proposed regulations, foreign-owned U.S. businesses would be required to report on the BE–15 survey if they have total assets, sales or gross operating revenues, or net income that exceed $40 million. According the Small Business Administration's Table of Small Business Size Standards, in most industries, businesses with $40 million of assets are not considered small businesses. The only industry for which the reporting requirements for the BE–15 survey would affect small businesses, would be for certain types of banking and finance companies, where the threshold for being considered a small business is $175 million. BEA estimates that about 60 banking and finance affiliates would be considered small businesses and would have to report on the BE–15. About 20 of these small businesses would be required to file on the BE–15B, and about 40 (half in alternate years) would be required to file on the BE–15(EZ). Based on average burden hours per response of 3.5 hours for the BE–15B and 1.5 hours for the BE–15(EZ) in alternate years, BEA estimates the total respondent burden of the BE–15 on small companies to be 100 hours out of a total estimated respondent burden on all companies of 68,000 hours.

Because few small businesses are subject to the reporting requirements and because those small businesses that are subject to reporting are subject to minimal recordkeeping burdens, the Chief Counsel for Regulation certifies that this proposed rule will not have a significant impact on a substantial number of small entities.

List of Subjects in 15 CFR Part 806

Economic statistics, Foreign investment in the United States, International transactions, Penalties, Reporting and recordkeeping requirements.

Dated: July 30, 2008.

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

For reasons set forth in the preamble, BEA proposes to amend 15 CFR part 806 as follows:

PART 806—DIRECT INVESTMENT SURVEYS

1. The authority citation for 15 CFR part 806 continues to read as follows:

Authority: 5 U.S.C. 301; 22 U.S.C. 3101–3108; E.O. 11961 (3 CFR, 1977 Comp., p. 86), as amended by E.O. 12318 (3 CFR, 1981 Comp., p. 173), and E.O. 12518 (3 CFR, 1985 Comp., p. 348).

2. Section 806.15(i) is revised to read as follows:

§ 806.15 Foreign direct investment in the United States.

* * * * *

(i) *Annual report form.* BE–15—Annual Survey of Foreign Direct Investment in the United States: One report is required for each consolidated U.S. affiliate exceeding an exemption level of $40 million. Form BE–15A must be filed by each majority-owned U.S. affiliate (a ''majority-owned'' U.S. affiliate is one in which the combined direct and indirect ownership interests of all foreign parents of the U.S. affiliate exceed 50 percent) for which at least one of the three items—total assets, sales or gross operating revenues excluding sales taxes, or net income after provision for U.S. income taxes—exceeds $275 million (positive or negative). Form BE–15B must be filed by each majority-owned U.S. affiliate for which at least one of the three items—total assets, sales or gross operating revenues excluding sales taxes, or net income after provision for U.S. income taxes—exceeds $120 million (positive or negative) but no one item exceeds $275 million (positive or negative), and by each minority-owned U.S. affiliate (a ''minority-owned'' U.S. affiliate is one in which the combined direct and indirect ownership interest of all foreign parents of the U.S. affiliate is 50 percent or less) for which at least one of the three items—total assets, sales or gross operating revenues excluding sales taxes, or net income after provision for U.S. income taxes—exceeds $120 million (positive or negative). Form BE–15(EZ) must be filed every other year by each U.S. affiliate for which at least one of the three items—total assets, sales or gross operating revenues excluding sales taxes, or net income after provision for U.S. income taxes—exceeds $40 million (positive or negative) but no one item exceeds $120 million (positive or negative). U.S. affiliates will be mailed Form BE–15(EZ) in years when they are required to file; in alternate years, these U.S. affiliates will be mailed a letter confirming that they are not required to file and asking them to update their contact information with BEA. A BE–15 Claim for Exemption must be filed by each U.S. affiliate to claim exemption from filing a BE–15A, BE–15B, or BE–15(EZ). Following an initial filing, the BE–15 Claim for Exemption is not required annually from those U.S. affiliates that meet the stated exemption criteria from year to year.

* * * * *

[FR Doc. E8–21070 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

[Docket No. 080731960–81014–01]

RIN 0691–AA66

Direct Investment Surveys: BE–11, Annual Survey of U.S. Direct Investment Abroad

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule amends regulations of the Bureau of Economic Analysis, Department of Commerce (BEA) to amend the reporting requirements for the BE–11, Annual Survey of U.S. Direct Investment Abroad. The BE–11 survey is conducted annually and is a sample survey that obtains financial and operating data covering U.S. parent companies and their foreign affiliates. BEA proposes changes in the reporting criteria that will raise the thresholds for reporting.

DATES: Comments on this proposed rule will receive consideration if submitted in writing on or before 5 p.m. November 10, 2008.

ADDRESSES: You may submit comments, identified by RIN 0691–AA66, and referencing the agency name (Bureau of Economic Analysis), by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. For agency, select ''Commerce Department—all.''
- *E-mail: David.Galler@bea.gov.*
- *Fax:* Office of the Chief, Direct Investment Division, (202) 606–5318.
- *Mail:* Office of the Chief, Direct Investment Division, U.S. Department of

Commerce, Bureau of Economic Analysis, BE–50, Washington, DC 20230.

• *Hand Delivery/Courier:* Office of the Chief, Direct Investment Division, U.S. Department of Commerce, Bureau of Economic Analysis, BE–50, Shipping and Receiving, Section M100, 1441 L Street, NW., Washington, DC 20005.

Written comments regarding the burden-hour estimates or other aspects of the information-of-collection requirements contained in the proposed rule should be sent to both BEA through any of the methods above and to the Office of Management and Budget (OMB), O.I.R.A., Paperwork Reduction Project 0608–0053, Attention PRA Desk Officer for BEA, via e-mail at *pbugg@omb.eop.gov*, or by FAX at 202–395–7245.

Public Inspection: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commentator may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. BEA will accept anonymous comments.

FOR FURTHER INFORMATION CONTACT: David H. Galler, Chief, Direct Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606–9835.

SUPPLEMENTARY INFORMATION: This proposed rule would amend 15 CFR part 806.14 to set forth the reporting requirements for the BE–11, Annual Survey of U.S. Direct Investment Abroad. The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

Description of Changes

The BE–11 survey is a mandatory survey and is conducted annually by BEA under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108), hereinafter, ''the Act.'' BEA will send the survey to potential respondents in March of each year; responses will be due by May 31.

In order to align BEA's survey program with available resources, which have declined as a result of a recent reduction in BEA's budget, BEA proposes changes in the reporting criteria: (a) An increase in the threshold for reporting on the BE–11B(SF) short form and BE–11C form from $40 million to $60 million; and (b) an increase in the threshold for reporting on the BE–11B(LF) long form from $150 million to $225 million. Majority-owned nonbank affiliates with assets, sales or gross operating revenues, or net income (loss) over $60 million but less than or equal to $225 million would be filed on a short form; majority-owned nonbank affiliates with assets, sales or gross operating revenues, or net income (loss) over $225 million would be filed on a long form. Minority-owned nonbank affiliates with assets, sales or gross operating revenues, or net income (loss) over $60 million would be filed on a C form. Two reporting thresholds remain unchanged—the threshold for reporting on Form BE–11B(FN) remains at $250 million and the threshold for reporting only selected items on Form BE–11A remains at $150 million.

Survey Background

The Bureau of Economic Analysis (BEA), U.S. Department of Commerce, conducts the BE–11 survey under the authority of the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108), hereinafter, ''the Act.'' Section 4(a) of the Act requires that the President shall, to the extent he deems necessary and feasible, conduct a regular data collection program to secure current information on international financial flows and other information related to international investment and trade in services, including (but not limited to) such information as may be necessary for computing and analyzing the United States balance of payments, the employment and taxes of United States parents and affiliates, and the international investment and trade in services position of the United States.

In Section 3 of Executive Order 11961, as amended by Executive Orders 12318 and 12518, the President delegated the responsibility for performing functions under the Act concerning direct investment to the Secretary of Commerce, who has redelegated it to BEA. The annual survey of U.S. direct investment abroad is a sample survey that collects information on a variety of measures of the overall operations of U.S. parent companies and their foreign affiliates, including total assets, sales, net income, employment and employee compensation, research and development expenditures, and exports and imports of goods. The sample data are used to derive universe estimates in nonbenchmark years from similar data reported in the BE–10, Benchmark Survey of U.S. Direct Investment Abroad, which is taken every five years. The data are needed to measure the size and economic significance of direct investment abroad, measure changes in such investment, and assess its impact on the U.S. and foreign economies. The data are disaggregated by country and industry of the foreign affiliate and by industry of the U.S. parent.

Executive Order 12866

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

Executive Order 13132

This proposed rule does not contain policies with Federalism implications as that term is defined in E.O. 13132.

Paperwork Reduction Act

This proposed rule contains a collection-of-information requirement subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). The requirement will be submitted to the OMB for approval as a revision to a collection currently approved under OMB control number 0608–0053.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB control number.

The BE–11 survey, as proposed, is expected to result in the filing of reports from approximately 1,550 respondents. The respondent burden for this collection of information will vary from one company to another, but is estimated to average 99.3 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus the total respondent burden of the survey is estimated at 153,850 hours (1,550 respondents times 99.3 hours average burden). Although the proposed amendments to the reporting rules lower respondent burden, this estimate is somewhat above the burden of 122,900 hours currently carried for this survey in the OMB inventory, due to growth in the number and size of U.S. parent companies and foreign affiliates since the survey was last cleared.

Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the

agency, including whether the information will have practical utility; (b) the accuracy of the burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

Written comments regarding the burden-hour estimates or other aspects of the collection of information requirements contained in the proposed rule should be sent to both BEA and OMB following the instructions given in the **ADDRESSES** section above.

Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposed rulemaking, if adopted, will not have a significant economic impact on a substantial number of small entities. Few small U.S. businesses are subject to the reporting requirements of this survey. U.S. companies that have direct investments abroad tend to be quite large, thereby excluding them from the definition of small entity. The proposed changes to the BE–11 annual survey would not increase the burden on small businesses. The exemption level for the BE–11 survey is set in terms of the size of a U.S. company's foreign affiliates (foreign companies owned 10 percent or more by the U.S. company); if a foreign affiliate has total assets, sales, or net income (loss) greater than the exemption level, it must be reported on Form BE–11B(LF), BE–11B(SF), BE–11B(FN), BE–11B(EZ), or BE–11C. With the increase in the exemption level for the BE–11 survey for nonbank affiliates of nonbank U.S. Reporters from $40 million to $60 million, the burden on small businesses would not increase and is likely to decrease since the U.S. parent company required to file the report is typically many times larger than its largest foreign affiliate. BEA estimates that about 1,700 majority-owned nonbank foreign affiliates will shift from being reported on the long form to the short form under the $225 million exemption level. About 3,000 nonbank foreign affiliates will no longer be required to be reported under the $60 million exemption level; almost 4,000 foreign affiliates were added to the sample due to growth in the universe since the 2004 BE–10 benchmark survey. About 200 U.S. Reporters will no longer be required to report the annual survey because all of their affiliates would be exempt.

Because few small businesses are impacted by this rule, and because those small businesses that are impacted are subject to only minimal recordkeeping burdens, the Chief Counsel for Regulation certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 15 CFR Part 806

Economic statistics, Multinational corporations, Penalties, Reporting and recordkeeping requirements, U.S. investment abroad.

Dated: August 20, 2008.

Rosemary Marcuss,

Acting Director, Bureau of Economic Analysis.

For the reasons set forth in the preamble, BEA proposes to amend 15 CFR part 806 as follows:

PART 806—DIRECT INVESTMENT SURVEYS

1. The authority citation for 15 CFR part 806 continues to read as follows:

Authority: 5 U.S.C. 301; 22 U.S.C. 3101–3108; E.O. 11961 (3 CFR, 1977 Comp., p. 86), as amended by E.O. 12318 (3 CFR, 1981 Comp., p. 173) and E.O. 12518 (3 CFR, 1985 Comp., p. 348).

2. Sections 806.14(f)(3)(ii) introductory text, (f)(3)(ii)(A) and (B), (f)(3)(iv), (f)(3)(v) introductory text, and (f)(3)(v)(A) are revised to read as follows:

§ 806.14 U.S. Direct Investment Abroad.

* * * * *

(f) * * *

(3) * * *

(ii) Forms BE–11B(LF), (SF), and (EZ) (Report for Majority-owned Nonbank Foreign Affiliate of Nonbank U.S. Reporter).

(A) A BE–11B(LF) (Long Form) must be filed for each majority-owned nonbank foreign affiliate of a nonbank U.S. Reporter for which any one of the three items—total assets, sales or gross operating revenues excluding sales taxes, or net income after provision for foreign income taxes—was greater than $225 million (positive or negative) at the end of, or for, the affiliate's fiscal year, unless the nonbank foreign affiliate is selected to be reported on Form BE–11B(EZ).

(B) A BE–11B(SF) (Short Form) must be filed for each majority-owned nonbank foreign affiliate of a nonbank U.S. Reporter for which any one of the three items listed in paragraph (f)(3)(ii)(A) of this section was greater than $60 million (positive or negative), but for which no one of these items was greater than $225 million (positive or negative), at the end of, or for, the affiliate's fiscal year, unless the nonbank foreign affiliate is selected to be reported on Form BE–11B(EZ).

* * * * *

(iv) Form BE–11C (Report for Minority-owned Nonbank Foreign Affiliate of Nonbank U.S. Reporter) must be filed for each minority-owned nonbank foreign affiliate of a nonbank U.S. Reporter that is owned at least 20 percent, but not more than 50 percent, directly and/or indirectly, by all U.S. Reporters of the affiliate combined, and for which any one of the three items listed in paragraph (f)(3)(ii)(A) of this section was greater than $60 million (positive or negative) at the end of, or for, the affiliate's fiscal year.

(v) Based on the preceding, an affiliate is exempt from being reported if it meets any one of the following criteria:

(A) For nonbank affiliates of nonbank U.S. Reporters, none of the three items listed in paragraph (f)(3)(ii)(A) of this section exceeds $60 million (positive or negative). However, affiliates that were established or acquired during the year and for which at least one of these items was greater than $10 million but not over $60 million must be listed, and key data items reported, on a supplement schedule on Form BE–11A.

* * * * *

[FR Doc. E8–21311 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR 878

[Docket No. FDA–2006–N–0178] (formerly Docket No. 2006N–0362)

General and Plastic Surgery Devices; Reclassification of the Absorbable Hemostatic Device; Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; reopening of the comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening until October 14, 2008, the comment period for a proposed rule published in the **Federal Register** of October 31, 2006 (71 FR 63728) to reclassify the absorbable hemostatic device from class III (premarket approval) into class II (special controls). FDA is reopening the

comment period to update comments and to receive any new information. Elsewhere in this issue of the **Federal Register**, FDA is also reopening the comment period on a notice of availability of a draft guidance document that would serve as the special control if FDA reclassifies this device.

DATES: Submit written or electronic comments on the proposed rule by October 14, 2008.

ADDRESSES: Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: David Krause, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 240–276–3638.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of October 31, 2006 (71 FR 63728), FDA published a proposed rule to reclassify the absorbable hemostatic device intended to produce hemostasis from class III (premarket approval) to class II (special controls). FDA invited interested persons to comment on the proposed rule by January 29, 2007. In the **Federal Register** of May, 8, 2007 (72 FR 26011), FDA reopened the comment period for 30 days in response to two requests for additional time for preparation of comments.

On July 2, 2007, FDA received a petition under 21 CFR 10.30 and 10.35 requesting that the agency refrain from issuing a final regulation for the proposed reclassification and the draft special controls guidance for the absorbable hemostatic device until an updated and complete administrative record is made available to the public. The petitioner also requested that FDA reopen the rulemaking for the proposed reclassification to allow submission of comments based on the administrative record. FDA has updated the administrative record in the Division of Dockets Management (see **ADDRESSES**). FDA is also reopening the comment period for 30 days. Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), elsewhere in this issue of the **Federal Register**, FDA is reopening the comment period on a notice of availability of a draft guidance document that would serve as the special control if the device is reclassified.

II. How to Submit Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments to *http://www.regulations.gov* or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Please note that on January 15, 2008, the FDA Division of Dockets Management Web site transitioned to the Federal Dockets Management System (FDMS). FDMS is a Government-wide, electronic docket management system. Electronic comments or submissions will be accepted by FDA through FDMS only.

Dated: September 4, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–21200 Filed 9–10–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[REG–160868–04]

RIN 1545–BF61

Section 6707A and the Failure To Include on Any Return or Statement Any Information Required To Be Disclosed Under Section 6011 With Respect to a Reportable Transaction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations section of this issue of the **Federal Register**, the IRS is issuing temporary regulations under section 6707A of the Internal Revenue Code (Code), which provide the rules relating to the assessment of penalties under section 6707A for the failure to include on any return or statement any information required to be disclosed under section 6011 with respect to a reportable transaction. The text of those temporary regulations also serves as the text of these proposed regulations.

DATES: Written or electronic comments and requests for a public hearing must be received by December 10, 2008.

ADDRESSES: Send submission to: CC:PA:LPD:PR (REG–160868–04), room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to: CC:PA:LPD:PR (REG–160868–04), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, or sent electronically via the Federal eRulemaking Portal at *http://www.regulations.gov* (IRS REG–160868–04).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Matthew Cooper (202) 622–4940; concerning submissions of comments and requests for a public hearing, Richard Hurst (202) 622–2949 (TDD telephone) (not toll-free numbers) and his e-mail address is *Richard.A.Hurst@irscounsel.treas.gov*.

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

Temporary regulations in the Rules and Regulations section of this issue of the **Federal Register** amend the Procedure and Administration Regulations (26 CFR part 301) relating to section 6707A. Section 811 of the American Jobs Creation Act of 2004, Public Law 108–357 (118 Stat. 1418) added section 6707A to the Code to provide a monetary penalty for the failure to include on any return or statement any information required to be disclosed under section 6011 with respect to a reportable transaction. The temporary regulations set forth the rules relating to the assessment of the penalty as well as the factors that the Commissioner (or the Commissioner's delegate) will consider in deciding whether the penalty should be rescinded based on promoting compliance with the Code and effective tax administration. The text of those temporary regulations also serves as the text of these proposed regulations. The preamble to the temporary regulations explains the amendments.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply

to these regulations, and because they do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, these regulations have been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written (a signed original and eight (8) copies) or electronic comments that are submitted timely to the IRS. The IRS and the Treasury Department request comments on the clarity of the proposed rules and how they can be made easier to understand. All comments will be made available for public inspection and copying. A public hearing may be scheduled if requested by any person who timely submits comments. If a public hearing is scheduled, notice of the date, time and place for the public hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is Matthew Cooper, Office of the Associate Chief Counsel (Procedure and Administration).

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 301 is proposed to be amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The authority citation for part 301 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 301.6707A–1 is added to read as follows:

§ 301.6707A–1 Failure to include on any return or statement any information required to be disclosed under section 6011 with respect to a reportable transaction.

[The text of proposed § 301.6707A–1 is the same as the text of § 301.6707A–1T published elsewhere in this issue of the **Federal Register**].

Linda E. Stiff,

Deputy Commissioner for Services and Enforcement.

[FR Doc. E8–21158 Filed 9–10–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 680

RIN 0648–AW73

Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Bering Sea and Aleutian Islands King and Tanner Crab Fishery Resources

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

ACTION: Notice of availability of fishery management plan amendment; request for comments.

SUMMARY: The Bering Sea/Aleutian Islands (BSAI) Crab Rationalization Program (Program) allocates BSAI crab resources among harvesters, processors, and coastal communities. Amendment 27 would amend the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) and the Program to include the statutory requirements of section 122(e) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 and modify the methods used to determine individual processor quota share (IPQ) use caps when crab are processed under custom processing arrangements. Amendment 27 also would modify limits on the amount of Aleutian Islands golden and red king crab IPQ that could be processed at a facility. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and other applicable laws.

DATES: Comments on the amendment must be submitted on or before November 10, 2008.

ADDRESSES: Send comments to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified by ''RIN 0648–AW73'', by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal Web site at *http://www.regulations.gov*.
- *Mail:* P.O. Box 21668, Juneau, AK 99802.
- *Fax:* (907) 586–7557.
- *Hand delivery to the Federal Building:* 709 West 9th Street, Room 420A, Juneau, AK.

All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* 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.

NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

Copies of Amendment 27, the Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA), the categorical exclusion prepared for this action, and the Environmental Impact Statement (EIS) prepared for the Crab Rationalization Program may be obtained from the NMFS Alaska Region at the address above or from the Alaska Region Web site at *http://www.fakr.noaa.gov/sustainablefisheries.htm*.

FOR FURTHER INFORMATION CONTACT: Glenn Merrill, 907–586–7228.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Act requires that each regional fishery management council submit any fishery management plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce (Secretary). The Magnuson-Stevens Act also requires that NMFS, upon receiving a fishery management plan amendment, immediately publish a notice in the **Federal Register** announcing that the amendment is available for public review and comment.

The king and Tanner crab fisheries in the exclusive economic zone of the BSAI are managed under the FMP. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Act as amended by the Consolidated Appropriations Act of 2004 (Pub. L. 108–199, section 801). Amendments 18 and 19 to the FMP amended the FMP to include the Program. Regulations

implementing these amendments were published on March 2, 2005 (70 FR 10174), and are located at 50 CFR part 680.

Under the Program, NMFS issued quota share (QS) to holders of License Limitation Program (LLP) licenses and crew onboard vessels. One type of QS, catcher vessel owner (CVO) QS is assigned to holders of LLP licenses who delivered their catch onshore. Each year QS yields an exclusive harvest privilege for a portion of the total allowable catch called individual fishing quota (IFQ).

NMFS also issued processor quota share (PQS) under the Program. Each year PQS yields an exclusive privilege to process a portion of the IFQ. This annual exclusive processing privilege is called individual processor quota (IPQ). CVO QS yields Class A and Class B IFQ. Class A IFQ is required to be delivered to a processor with matching IPQ within specific geographic regions. Class B IFQ can be delivered to any processor in any geographic region. Ninety percent of the IFQ derived from CVO QS is Class A IFQ, and the remaining 10 percent is Class B IFQ. These requirements ensure that catch continues to be delivered to processors and communities with historic investment in the fisheries.

Currently, the Program establishes limits, or caps, on the amount of PQS and IPQ that a person can hold, and caps on the amount of IPQ that can be used at a processing facility. In each of the nine BSAI crab fisheries under the Program, a person is limited to holding no more than 30 percent of the PQS initially issued in the fishery and using no more than the amount of IPQ resulting from 30 percent of the initially issued PQS in a given fishery. In addition, no person is permitted to use more than 60 percent of the IPQ crab in the Bering Sea *C. opilio* fishery designated for exclusive use in the north region. Finally, no processing facility can be used to process more than 30 percent of the IPQ in a crab fishery.

The Program is designed to minimize the potential that PQS and IPQ use caps could be evaded through the use of corporate affiliations or other legal relationships. To accomplish this, the Program calculates a person's IPQ use cap by summing the total amount of IPQ that (1) is held by that person; (2) is held by other persons who are affiliated with that person through common ownership or control; and (3) is custom processed at a facility at which an IPQ holder has at least a 10 percent direct or indirect ownership interest. Under existing practices, a custom processing arrangement exists when one IPQ holder (1) has a contract with the owners of a processing facility to have his crab processed at that facility; (2) that IPQ holder does not have an ownership interest in the processing facility; and (3) that IPQ holder is not otherwise affiliated with the owners of that crab processing facility. In custom processing arrangements, the IPQ holder contracts with a facility operator to have the IPQ crab processed according to his specifications. Custom processing arrangements typically occur when an IPQ holder does not own an onshore processing facility or cannot economically operate a stationary floating crab processor in a specific region. NMFS applies IPQ crab that is custom processed at a facility at which an IPQ holder has at least a 10-percent direct or indirect ownership interest against both the IPQ holder owning the facility, and the IPQ holder who is having his crab custom processed at that facility. This method for applying the IPQ use cap effectively counts custom processed IPQ crab against two separate persons. Industry participants asserted that this IPQ use cap calculation method discouraged the use of custom processing arrangements

The Council was prompted to reexamine IPQ use cap calculations in light of a statutory exemption to the existing method of IPQ use cap calculation for custom processed crab that was created by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) of 2006 (Pub. L. 109–479). Section 122(e) of the MSRA specifically directs NMFS to modify the means for calculating IPQ use caps that apply to a person who is custom processing *C. opilio* crab in the north region. To fully implement Section 122(e), the Council and NMFS would need to adopt conforming regulations, and define several of the terms used in Section 122(e).

In response, the Council initiated an analysis and received comments from the public on implementation of section 122(e) of the MSRA. During this process, participants in other crab fisheries indicated that their processing operations could become more efficient if IPQ use cap exemptions for custom processing arrangements congressionally mandated for the north region Bering Sea *C. opilio* fishery could also be extend to other crab fisheries. Specifically, participants in crab fisheries with historically low TAC allocations or active in crab fisheries in more remote geographic regions argued that exempting IPQ crab processed under custom processing arrangements from the IPQ use caps of the owners of facilities could improve their operational efficiency.

Based on the analysis and public input, the Council adopted Amendment 27 in December 2007, and submitted Amendment 27 to NMFS for review by the Secretary of Commerce. Amendment 27 would modify the FMP to exempt individual processor quota share (IPQ) that is subject to a custom processing arrangement in specific fisheries, at specific facilities, or in specific crab-dependent communities from the IPQ use cap of the processing facility owners. Amendment 27 also would establish limits on the amount of Aleutian Islands golden and red king crab IPQ that could be processed at a facility. Specifically, IPQ holders who own processing facilities would not be considered as using IPQ when IPQ crab is (1) received by an IPQ holder at their facility under a custom processing arrangement; (2) received and processed at specific types of processing facilities; or (3) derived from PQS earned from processing in specific communities where crab has been historically delivered. This change in IPQ use cap calculation would only apply to specific crab fisheries. In addition, Amendment 27 would limit the amount of Eastern Aleutian Islands golden king crab and Western Aleutian Islands red king crab that could be processed at a facility. Finally, Amendment 27 would contain the clarifications necessary to implement section 122(e) of the MSRA.

Public comments are being solicited on proposed Amendment 27 through the end of the comment period (see **DATES**). NMFS intends to publish a proposed rule in the **Federal Register** for public comment that would implement Amendment 27, following NMFS' evaluation under the Magnuson-Stevens Act procedures. Public comments on the proposed rule must be received by the close of the comment period on Amendment 27 to be considered in the approval/disapproval decision on Amendment 27. All comments received by the end of the comment period on Amendment 27, whether specifically directed to the FMP amendment or the proposed rule, will be considered in the approval/disapproval decision on Amendment 27. Comments received after the end of the public comment period for Amendment 27, even if received within the comment period for the proposed rule, will not be considered in the approval/disapproval decision on the amendment. To be considered, comments must be received—not just postmarked or otherwise transmitted—by the close of business on the last day of the comment period.

Dated: September 8, 2008.

James P. Burgess,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E8–21146 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 73, No. 177

Thursday, September 11, 2008

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Bureau for Democracy, Conflict and Humanitarian Assistance; Office of Food for Peace; Announcement of Draft Food for Peace Public Law 480 Title II Program Policies and Proposal Guidelines (FY09)

Notice

Pursuant to the Food for Peace Act of 2008 (Pub. L. 480, as amended), notice is hereby given that the Draft Food for Peace Public Law 480 Title II Program Policies and Proposal Guidelines (FY 09) are being made available to interested parties for the required thirty (30) day comment period.

The draft guidelines may be found at *http://www.usaid.gov/our_work/humanitarian_assistance/ffp/*. Individuals who wish to receive a hard copy of these draft guidelines should contact: Office of Food for Peace, U.S. Agency for International Development, RRB 7.06–136, 1300 Pennsylvania Avenue, NW., Washington, DC 20523–7600. Individuals who have questions or comments on the draft guidelines should contact both Juli Majernik (at the above address, by phone at (202) 712–4088, or by e-mail at *jmajernik@usaid.gov*) and copy AMEX International, Inc., at *ffpdocs@amexdc.com*. The thirty day comment period will begin on the date that this announcement is published in the **Federal Register**.

Juli Majernik,

Office of Food for Peace, Bureau for Democracy, Conflict and Humanitarian Assistance.

[FR Doc. E8–21184 Filed 9–10–08; 8:45 am]

BILLING CODE 6116–01–P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Privacy Act of 1974; Abolish Obsolete System of Records

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of abolishment of U.S. Department of Agriculture System of Records USDA/FS–05 Certified Cost Collectors record system.

SUMMARY: The records formerly maintained in this Privacy Act System of Records, USDA/FS–05 Certified Cost Collectors are no longer maintained, and the System of Records is obsolete. Therefore, this system is being abolished and removed from the inventory of USDA System of Records in accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This notice is effective on September 11, 2008.

ADDRESSES: For additional information contact the Director of Forest Management, Forest Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Mailstop 1103, Washington, DC 20250–1103.

FOR FURTHER INFORMATION CONTACT: The Director of Forest Management, Forest Service, U.S. Department of Agriculture, telephone: (202) 205–0893; or e-mail to *wo_foia@fs.fed.us*.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974 (5 U.S.C. 552a), as amended, requires that each agency publish a notice of the existence and character of each new or altered ''system of records.'' 5 U.S.C. 552a(a)(5). This notice identifies and abolishes a U.S. Department of Agriculture discontinued and obsolete system of records, USDA/FS–05 Certified Cost Collectors. The records formerly maintained in this System of Records have been destroyed according to the Federal Records Disposal Act of 1943 (44 U.S.C. 366–380) and the Federal Records Act of 1950, and as designated in the Forest Service Records Management Handbook (FSH) 6209.11.

Dated: August 29, 2008.

Edward T. Schafer,

Secretary.

[FR Doc. E8–21214 Filed 9–10–08; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2008–0092]

Potato Cyst Nematode; Update of Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of changes to quarantined area.

SUMMARY: We are advising the public that we have made changes to the area in the State of Idaho that is quarantined to prevent the spread of potato cyst nematode. The description of the quarantined area was updated on June 27, 2008, when nine fields were released from designation as quarantined areas and four fields were added as quarantined areas.

FOR FURTHER INFORMATION CONTACT: Eileen Y. Smith, National Program Manager, Emergency and Domestic Programs, PPQ, APHIS, 4700 River Road, Unit 150, Riverdale, MD 20737–1236; (301) 734–5235.

SUPPLEMENTARY INFORMATION:

Background

The potato cyst nematode (PCN) (*Globodera pallida*) is a major pest of potato crops in cool-temperature areas. Other solanaceous hosts include tomatoes, eggplants, peppers, tomatillos, and some weeds. The PCN is thought to have originated in Peru and is now widely distributed in many potato-growing regions of the world. PCN infestations may be expressed as patches of poor growth. Affected potato plants may exhibit yellowing, wilting, or death of foliage. Even with only minor symptoms on the foliage, potato tuber size can be affected. Unmanaged infestations can cause potato yield loss ranging from 20 to 70 percent. The spread of this pest in the United States could result in a loss of domestic or foreign markets for U.S. potatoes and other commodities.

The PCN quarantine regulations (§§ 301.86 through 301.86–9, referred to below as the regulations) set out procedures for determining the areas quarantined for PCN and impose restrictions on the interstate movement of regulated articles from quarantined areas.

Section 301.86–3 of the regulations sets out the procedures for determining the areas quarantined for PCN. Paragraph (a) of § 301.86–3 states that, in accordance with the criteria listed in § 301.86–3(c), the Administrator will designate as a quarantined area each field that has been found to be infested with PCN, each field that has been found to be associated with an infested field, and any area that the Administrator considers necessary to quarantine because of its inseparability for quarantine enforcement purposes from infested or associated fields.

Paragraph (c) provides that the Administrator will designate a field as an infested field when PCN is found in the field. Paragraph (c) also provides that the Administrator will designate a field as an associated field when PCN host crops, as listed in § 301.86–2(b), have been grown in the field in the last 10 years and the field shares a border with an infested field; the field came into contact with a regulated article listed in § 301.86–2 from an infested field within the last 10 years; or, within the last 10 years, the field shared ownership, tenancy, seed, drainage or runoff, farm machinery, or other elements of shared cultural practices with an infested field that could allow spread of the PCN, as determined by the Administrator.

Paragraph (b) describes the conditions for the designation of an area less than an entire State as a quarantined area. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

1. The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are equivalent to those imposed by the regulations on the interstate movement of regulated articles; and

2. The designation of less than the entire State as a quarantined area will prevent the interstate spread of PCN.

We have determined that it is not necessary to designate the entire State of Idaho as a quarantined area. Idaho has adopted and is enforcing restrictions on the intrastate movement of regulated articles from that area that are equivalent to those we are imposing on the interstate movement of regulated articles.

Paragraph (d) provides for the removal of fields from quarantine. An infested field will be removed from quarantine when a 3-year biosurvey protocol approved by APHIS has been completed and the field has been found to be free of PCN. An associated field will be removed from quarantine when the field has been found to be free of PCN according to a survey protocol approved by the Administrator as sufficient to support removal from quarantine. Any area other than infested or associated fields which has been quarantined by the Administrator because of its inseparability for quarantine enforcement purposes from infested or associated fields will be removed from quarantine when the relevant infested or associated fields are removed from quarantine.

Paragraph (a) of § 301.86–3 further provides that the Administrator will publish the description of the quarantined area on the Plant Protection and Quarantine (PPQ) Web site, *http://www.aphis.usda.gov/plant_health/plant_pest_info/potato/pcn.shtml*. The description of the quarantined area will include the date the description was last updated and a description of the changes that have been made to the quarantined area. The description of the quarantined area may also be obtained by request from any local office of PPQ; local offices are listed in telephone directories. Finally, paragraph (a) establishes that, after a change is made to the quarantined area, we will publish a notice in the **Federal Register** informing the public that the change has occurred and describing the change to the quarantined area.

We are publishing this notice to inform the public of changes to the PCN quarantined area in accordance with § 301.86–3(a). On June 27, 2008, we updated the quarantined areas to release nine fields from designation as quarantined areas and add four fields to the quarantined area.

Eight of the nine fields were removed from quarantine as associated fields after being found to be free of PCN according to a survey protocol approved by the Administrator as sufficient to support removal from quarantine, under paragraph (d)(2) of § 301.86–3. The ninth field was removed from quarantine because we determined that it did not meet the criteria for an associated field listed in § 301.86–3(c)(2). The fields removed from quarantine were in Bonneville and Bingham Counties.

The four fields added to the quarantine areas were designated as associated fields because they share a border with an infested field. Paragraph (c)(2) of § 301.86–3 indicates that such fields will be considered associated fields and therefore will be added to the quarantined area. The fields designated as quarantined areas are in Bonneville County.

The current map of the quarantined area can be viewed on the PPQ Web site at *http://www.aphis.usda.gov/plant_health/plant_pest_info/potato/pcn.shtml*.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 5th day of September 2008.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E8–21115 Filed 9–10–08; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Request for Proposals for Woody Biomass Utilization Grant—Forest Restoration Activities on National Forest System Lands

AGENCY: Forest Service, USDA.

ACTION: Request for proposals.

SUMMARY: The USDA Forest Service, State and Private Forestry, Technology Marketing Unit, located at the Forest Products Laboratory, requests proposals for forest product projects that increase the use of woody biomass from National Forest System lands. The woody biomass utilization grant program is intended to help improve forest restoration activities by using and creating markets for small-diameter material and low-valued trees removed from forest restoration activities, such as reducing hazardous fuels, handling insect and diseased conditions, or treating forestlands impacted by catastrophic weather events. These funds are targeted to help communities, entrepreneurs, and others turn residues from forest restoration activities into marketable forest products and/or energy products.

DATES: *Pre-application Postmark Deadline:* November 7, 2008. *Full application Postmark Deadline:* February 13, 2009.

ADDRESSES: All pre- and full-application packages must be sent to the following address: ATTN: Patricia Brumm, Grants and Agreements Specialist, Forest Products Laboratory, One Gifford Pinchot Drive, Madison, WI 53726–2398. Detailed information regarding what to include in the pre- and full-application, definitions of terms, eligibility and Federal restrictions are available at *http://www.fpl.fs.fed.us/tmu* (under Woody Biomass Grants), and at *http://www.grants.gov*). Paper copies of the information are also available by contacting the USDA Forest Service, S&PF Technology Marketing Unit, One Gifford Pinchot Dr., Madison, Wisconsin 53726–2398, 608–231–9504.

FOR FURTHER INFORMATION CONTACT: For questions regarding the grant application or administrative regulations, contact Patricia Brumm, Grants and Agreements Specialist, 608–231–9298, *pbrumm@fs.fed.us*; for program and technical questions, contact Susan LeVan, Program Manager, 608–231–9504, *slevan@fs.fed.us*.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: To address the mutual goals of Public Law 109–58, the Energy Policy Act of 2005, and the anticipated Department of the Interior, Environment, and Related Agencies Appropriation Act of 2009, the agency is requesting proposals to address the nationwide challenge in dealing with low-valued material removed from hazardous fuel reduction activities, restoration of insect and diseased conditions or catastrophic weather events. The Woody Biomass Utilization Grant Program has a pre-application submission process, and upon notification, selected pre-applicants will be asked to submit a full application. Goals of the grant program are the following:

- Help reduce forest management costs by increasing value of biomass and other forest products generated from forest restoration activities.
- Create incentives and/or reduce business risk for increased use of biomass from national forestlands (must include National Forest System lands, however, may also include other lands such as, BLM, Tribal, State, local, and private).
- Institute projects that target and help remove economic and market barriers to using small-diameter trees and woody biomass.
- Help generate renewable energy from woody biomass, including the use of new technologies.
- Build industry infrastructure around national forestlands where no or limited industry infrastructure exists.
- Expand working relationships between local forest products businesses and Forest Service offices.

Woody Biomass Grants Program

1. Eligibility Information

a. Eligible Applicants. Eligible applicants are State, local, and Tribal governments, school districts, communities, non-profit organizations, businesses, companies, corporations, or special purpose districts, e.g., public utilities districts, fire districts, conservation districts, or ports. Only one application per business or organization will be accepted. If applicants have received a Woody Biomass Utilization Grant within the last 3 years, they are not eligible. Construction projects involving a permanent building or infrastructure item, such as roads, are not allowed with these Federal funds; however construction funds can be part of the non-Federal cost share. For Alaska, only applicants on the Seward Ranger District on the Chugach National Forest are eligible to apply for this grant. Cordova and Glacier Ranger Districts on the Chugach are not eligible. Ranger Districts on the Tongass National Forest are not eligible.

b. Cost Sharing (Matching Requirement). Applicants must demonstrate at least a 20% match of the total project cost. This match must be from non-Federal sources, which can include cash or in-kind contributions.

2. DUNS Number

All applicants must include a Dun and Bradstreet (D&B), Data Universal Numbering System (DUNS) number in their full application. For the purpose of this requirement, the applicant is the entity that meets the eligibility criteria and has the legal authority to apply for an award. For assistance in obtaining a DUNS number at no cost, call the DUNS number request line (1–866–705–5711) or register on-line at *http://fedgov.dnb.com/webform*. By submission of an application, the applicant acknowledges the requirement that prospective awardees shall be registered in the Central Contractor Registration (CCR) database prior to award, during performance, and through final payment of any grant resulting from this solicitation. Further information can be found at *http://www.ccr.gov*. For assistance, contact the CCR Assistance Center (1–888–227–2423).

3. Award Information

At least $4 million are available for granting under this program. Individual grants will not be less than $50,000 or more than $250,000. Funds are presently not available for this grant program. The Government's obligation under this program is contingent upon the availability of 2009 appropriated funds from which payment for grant purposes can be made. No legal liability on the part of the Government for any payment may arise until funds are made available to the Grants Officer for this program, and until the Cooperator receives notice of such availability, to be confirmed in writing by the Grants Officer. Successful applicants will be announced by early April 2009. The maximum length of the award is 3 years from the date of award. Written annual financial performance reports and semi-annual project performance reports shall be required. Applicants should be aware that the grant funds are regarded as taxable income and a form 1099 will be sent by the Forest Service to the IRS. Awardees are expected to follow all OSHA requirements regarding safe working practices and all applicable State and Federal regulations pertinent to the proposed project.

4. Application Review Process

A two-step technical evaluation process is used for applications submitted under this solicitation. The first step requires the applicant to submit a preliminary application (pre-application). Pre-applications are evaluated on criteria discussed in section 5. All pre-applications shall be screened to ensure compliance with the administrative requirements as set forth in the RFP. Applications found to be non-compliant shall be disqualified.

A review panel of technical experts from Federal agencies judges the pre-applications. Panel members independently review the pre-applications according to the evaluation criteria and point system. A total of 100 points is possible. As a result of this preliminary review, successful pre-applications are invited to submit a full application package. Unsuccessful pre-applicants are removed from further consideration for funding under this solicitation. In either case, a letter of notification is provided to each applicant.

The second step requires the applicant to submit a full application package, which is based on the same evaluation criteria as the preliminary application. Each full application shall be screened to ensure that it meets the administrative requirements as set forth in the RFP. The full application package is evaluated for technical merit and financial feasibility. The reviewers discuss, rank, and make recommendations to Executive Steering Committee of Senior Federal officials.

5. Evaluation Criteria and Point System

a. Impact on National Forest System Lands Forest Restoration Activities: Total Points 40

- Condition of the forestlands proposed for the project, such as Fire Regime Condition Class (*http://www.frcc.gov*), insect and disease risk conditions, or degraded forestlands due to catastrophic weather events.

• Direct, tangible benefits with and without the grant (e.g., increased acres treated from forest restoration activities, increased value of raw material removed from forest restoration activities, and reduced Forest Service's cost per acre).

• Indirect, intangible benefits (including air quality and water quality improvements in socioeconomics of communities, in wildlife habitats, and in watersheds).

• Opportunities created for using woody biomass material around National Forest System lands in locations where no or limited industry capacity exists.

b. Technical Approach Work Plan: Total Points 25

• Technical feasibility of the proposed work.

• Adequacy and completeness of the proposed tasks.

• Timeliness and reasonableness of time schedule.

• Identified deliverables/tasks.

• Evaluation and monitoring plan (accountability measures of environmental, social, financial and forest restoration effects of proposed project).

• Potential for project to improve efficiencies or to accelerate adoption of cleaner technologies (air, water, waste) for biomass utilization.

c. Financial Feasibility: Total Points 25

• Realistic budget and timeframe.

• Thorough financial documentation (see description of required documentation under financial feasibility, Section 7.c.).

• Level of matching funds for the grant.

d. Qualifications and Experience of Applicant: Total Points 10

• Experience, capabilities (technical and managerial).

• Demonstrated capacity.

If there are no technical or financial problems for the project, and there is significant impact on reducing the Forest Service's cost per acre, full points are given. If there are minor deficiencies, which could limit success, midway points are given. If there are major deficiencies, which could render the project unsuccessful, minimum points are given. Further scoring criteria can be found at *http://www.fpl.fs.fed.us/tmu* (under Woody Biomass Grants) and at *http://www.grants.gov*. Full application packages that do not submit ALL required financial information will be disqualified.

6. Pre-Application Information

a. Pre-Application Submission. Pre-applications are required. Specific content and submission requirements for the pre-application are as follows: Each submittal must be composed of two paper copies (single-sided) of the pre-application and one original copy. All proposals for the pre-application must be on 8.5- by 11-inch plain white paper only (no colored paper, over-sized paper, or special covers) with a minimum font size of 11 letters per inch. Top, bottom, and side margins must be no less than three-quarters of an inch. All pages must be clearly numbered. The paper copies of the application package should be stapled with a single staple at the upper left-hand corner. Do not staple the original. Other bindings will not be accepted.

b. Pre-Application Content. Project Summary, SF 424, and 424A shall be submitted with the application for acceptance. Assemble information in the following order: Project Summary, SF 424, SF 424A, project narrative, budget justification narrative, budget, and appendices. Forms for the Project Summary, SF424, and SF424A can be found at *http://www.fpl.fs.fed.us/tmu* (under Woody Biomass Grants). The project narrative consists of statement of need, project coordinator(s) and partner(s), goals and objectives, technical approach work plan, impact on National Forest System forest restoration treatments, and evaluation and monitoring plan. The project narrative shall provide a clear description of the work to be performed and its impact on National Forest System lands. It shall address the technical approach work plan under criteria b in section 5. The project narrative is limited to 5 pages, and excludes Project Summary Table, budget justification, budget, or appendices.

c. The discussion of the impact on National Forest System lands is a critical component because these proposals are aimed at helping the Forest Service increase the number of acres treated and decrease the cost per acre for those National Forest System lands that are at risk due to hazardous fuel buildup, insects and diseases, or catastrophic weather events. Applicants shall describe qualitatively and quantitatively how the project would decrease Forest Service treatment costs and/or increase the price one might offer for the woody biomass. Specifically, proposals should address the following:

• Condition of the forest or grassland, such as providing the Fire Regime Condition Class (*http://www.frcc.gov*), the insect and disease risk, or any catastrophic weather events and the consequences of the National Forest System not being able to do treatments because of the cost.

• Forest Service's current practices of handling material removed from forest restoration activities.

• What would be done with this material if grant is awarded?

• Anticipated outcomes and measures of success.

• Documentation of costs and benefits of project as a result of the award (see project feasibility discussion at *http://www.fpl.fs.fed.us/tmu* under Woody Biomass Grants or at *http://www.grants.gov*.

• Documentation of intangible benefits. Examples of tangible and intangible benefits are listed on the Technology Marketing Unit's Web site at *http://www.fpl.fs.fed.us/tmu* (under Woody Biomass Grants) or at *http://www.grants.gov*.

• Long-Term Benefits of Project: Applicant should address the length of time the benefits and impacts are anticipated (e.g., project will have long-term consequences, such as equipment improvements, or a one-time benefit, such as a subsidy.)

• Expansion capability: Does the project have the potential to expand the application to additional forest treatment areas or to create higher valued uses?

A full description of each content item can be obtained from the Technology Marketing Unit's Web site at *http://www.fpl.fs.fed.us/tmu* (under Woody Biomass Grants) or at *http://www.grants.gov*, or by calling the telephone number in the **FOR FURTHER INFORMATION CONTACT** section, or by writing to the address in the **ADDRESSES** section of this notice.

c. Pre-Application Delivery. Pre-applications must be post marked by November 7, 2008, and received no later than 5 p.m. Central Standard Time on November 14, 2008, by Patricia Brumm at the Forest Products Laboratory. Hand-delivered, or fax applications will not be accepted. E-mail applications should be submitted through *http://www.grants.gov*. No exceptions allowed. Please send pre-applications to the address listed in the **ADDRESSES** section of this notice.

7. Full Application Information

USDA Forest Service will request full applications only from those applicants selected in the pre-application process.

a. Full Application Submission. Specific content and submission requirements for the full application are as follows: Each submittal must be composed of two paper copies (single-sided) of the full application and one original copy. All proposals for the full

application must be on 8.5- by 11-inch plain white paper only (no colored paper, over-sized paper, or special covers) with a minimum font size of 11 letters per inch. Top, bottom, and side margins must be no less than three-quarters of an inch. All pages must be clearly numbered. The paper copies of the application package should be stapled with a single staple at the upper left-hand corner. Do not staple the original. Other bindings will not be accepted.

b. Full Application Content. Project Summary Table, SF 424, and 424A shall be submitted with the application for acceptance. Assemble information in the following order: Project Summary Table, SF 424, SF424A, project narrative, budget justification narrative, budget, financial feasibility, and appendices. Forms for the Project Summary, SF424, and SF424A can be found at *http://www.fpl.fs.fed.us/tmu* (under Woody Biomass Grants). The project narrative consists of statement of need, project coordinator(s) and partner(s), goals and objectives, technical approach work plan, impact on National Forest System forest restoration activities, environmental documentation, project work plan and timeline, social impacts, evaluation and monitoring plan, and equipment description. The project narrative shall provide a clear description of the work to be performed, how it will be accomplished, and its impact on National Forest System lands. It shall address the technical approach work plan under criteria b listed in section 5. The project narrative is limited to a total of 10 pages and excludes Project Summary Table, budget justification, budget, appendices and financial documentation.

c. Detailed Financial Information. Detailed financial information is requested to assess the potential and the capability of the applicant. All financial information remains confidential and is not accessible under the Freedom of Information Act. If the applicant has questions about how confidential information is handled they should contact Patricia Brumm at *pbrumm@fs.fed.us*. The financial information should provide a general overview of historical and projected (pro forma) financial performance. Standard accounting principles should be used for developing the required financial information. Strong applications have benefited from the use of a certified accountant to develop this information. Applicants should refer to the Technology Marketing Unit's Web site at *http://www.fpl.fs.fed.us/tmu* (under Woody Biomass Grants) or at *http://www.grants.gov* for the financial information requirements, as well as Web sites for standard financial templates.

d. Full Application Delivery. Full applications must be postmarked by February 13, 2009, and received no later than 5 p.m. Central Standard Time on February 20, 2009, by Patricia Brumm at the Forest Products Laboratory. Hand-delivered or fax applications will not be accepted. E-mail applications should be submitted through *http://www.grants.gov*. No exceptions allowed. Please send full applications to the address listed in the **ADDRESSES** section of this notice.

8. Appendices

The following information must be included in the appendix of the pre-application and the full application package:

a. Letter of Support and Biomass Availability from Local USDA Forest Service District Ranger or Forest Supervisor Is Required: This letter must describe the status of National Environmental Policy Act (NEPA), acres, timeframes, available volumes, and opportunities for applicant to access these volumes. These letters shall be submitted with both the pre-application and full application.

b. Letters of Support from Partners, Individuals, or Organizations: Letters of support should be included in an appendix and are intended to display the degree of collaboration occurring between the different entities engaged in the project. These letters must include commitments of cash or in-kind services from all partners and must support the amounts listed in the budget. Each letter of support is limited to one page in length.

c. Key Personnel Qualifications: Qualifications of the project manager and key personnel should be included in an appendix. Qualifications are limited to two pages in length and should contain the following: resume, biographical sketch, references, and demonstrated ability to manage the grant.

Dated: September 5, 2008.

James Hubbard,

Deputy Chief, State and Private Forestry.

[FR Doc. E8–21112 Filed 9–10–08; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Minnkota Power Cooperative, Inc.: Notice of Extension of Public Comment Period for Public Scoping in Preparation of an Environmental Impact Statement

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Intent To Extend Public Comment Period for Public Scoping for Preparation of an Environmental Impact Statement

SUMMARY: The Rural Utilities Service (RUS), an agency delivering the U.S. Department of Agriculture's Rural Development Utilities Programs, hereinafter referred to as Rural Development and/or the Agency, is extending the public comment period for the public scoping in preparation of an Environmental Impact Statement (EIS) for the proposed action by Minnkota Power Cooperative (Minnkota Power), Otter Tail Power Company, and Minnesota Power to construct a 230 kV electric transmission line from Bemidji to Grand Rapids, Minnesota.

Rural Development and the State of Minnesota Office of Energy Security (OES) are jointly preparing an EIS to evaluate the potential impacts of the proposed transmission line pursuant to the National Environmental Policy Act of 1969 (NEPA) (U.S.C. 4231 *et seq.*) in accordance with the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA (40 CFR 1500–1508), 36 CFR 800.2(a); section 106 of the National Historic Preservation Act 16 U.S.C. 470f and its implementing regulations, ''Protection of Historic Properties'' (36 CFR Part 800); the Minnesota Environmental Policy Act (MEPA), Minnesota Statute, Chapter 116D.04; the Minnesota Power Plant Siting Act (MPPSA); Minnesota Statute, Chapter 216 E.03 and Minnesota Rules, Chapter 4400. The U.S. Forest Service-Chippewa National Forest, the U.S. Army Corps of Engineers, the U.S. Bureau of Indian Affairs, and the Leech Lake Band of Ojibwe are participating as Cooperating Agencies in development of the EIS.

Two public scoping documents, an Alternatives Evaluation Study (AES) and a Macrocorridor Study (MCS), were prepared to provide public information on the proposed project. Using information from the AES and the MCS and considering input provided by government agencies, private organizations, and the public, Rural Development and OES, in consultation

with the Cooperating Agencies, will determine the scope of the EIS.

The MCS Study included maps of only three of the four transmission line corridor alternatives. This report has been updated to include the map of four transmission line macrocorridor options that are currently part of the study area. Notices distributed in local areas to notify the public of the proposed project included only one macrocorridor option with two route alternatives the applicants proposed in the State of Minnesota Route Permit Application. To ensure that interested parties located within the any of the four transmission line macrocorridor alternatives are provided adequate opportunity for comment, notices are being reissued and the public comment period is being extended for one month.

DATES: A Notice of Intent To Hold Public Scoping Meetings and Prepare an Environmental Impact Statement for the proposed project was published in the **Federal Register** on July 18, 2008. The public comment period has been extended and written comments relating to the proposed project will be accepted until 5 p.m. Eastern Time on September 30, 2008.

ADDRESSES: To send comments or for further information, contact Barbara Britton, Environmental Protection Specialist, USDA Rural Development Utilities Programs, at 1400 Independence Avenue, SW., Stop 1571, Washington, DC 20250–1571, telephone (202) 720–1414, fax: (202) 690–0629, e-mail *Barbara.Britton@wdc.usda.gov* or Suzanne Steinhauer, Project Manager, Minnesota Department of Commerce, Office of Energy Security, at 85 Seventh Place, Suite 500, Saint Paul, Minnesota 55010, telephone (651) 296–2888, e-mail *Suzanne.Steinhauer@state.mn.us*. A copy of the AES and MCS can be obtained from the Agency Web site at *http://www.usda.gov/rus/water/ees/eis.htm*, by contacting Bob Lindholm of Minnesota Power at (888) 373–4113, *bemidjiinfo@capx2020.com*, and at the public libraries listed below:

Bemidji Public Library, 509 America Avenue, NW., Bemidji, MN 56601.

Cass Lake Community Library, 223 Cedar Avenue, NW., P.O. Box 836, Cass Lake, MN 56633.

Grand Rapids Area Library, 140 NE. 2nd Street, Grand Rapids, MN 55744.

Blackduck Community Library, 72 First Street, SE., P.O. Box 326, Blackduck, MN 56630.

Margaret Welch Memorial Library, P.O. Box 106, 5051 State 84, Longville, MN 56655.

Walker Public Library, 207 4th Street, P.O. Box 550, Walker, MN 56484.

Bovey Public Library, Village Hall, 402 2nd Street, P.O. Box 130, Bovey, MN 55709–0130.

Coleraine Public Library, Independent Building, 203 Cole Avenue, P.O. Box 225, Coleraine, MN 55722–0225.

SUPPLEMENTARY INFORMATION: Minnkota Power, Otter Tail Power, and Minnesota Power propose to construct a new transmission line from Bemidji to Grand Rapids, Minnesota. The proposal is designed to correct a local load serving inadequacy for the Bemidji area and the northern Red River Valley in West Central Minnesota. The line would originate from Minnkota's 230 kV Wilton Substation located just west of Bemidji, Minnesota, to Minnesota Power's 230 kV Boswell Substation in Cohasset, Minnesota, northwest of Grand Rapids, Minnesota. It is part of the CapX2020 long-range planning effort that has identified a comprehensive framework for new transmission infrastructure that will be needed to maintain reliability of the transmission system throughout Minnesota and the surrounding region. Minnkota Power, Otter Tail Power, and Minnesota Power are partners in this investment, and Minnkota Power is seeking financing from Rural Development Utilities Programs for its portion of the investment.

The proposed project may require permits from the United States Department of the Army Corps of Engineers (COE) under section 10 of the Rivers and Harbors Act of 1899, 33 U.S.C. 403, for the project's overhead wires to cross the Mississippi River, and under section 404 of the Clean Water Act, 33 U.S.C. 1344, to place transmission line structures and associated backfill into waters of the United States. The proposed project may require a Special Use Permit to cross the Chippewa National Forest from the United States Forest Service under the Federal Land Policy and Management Act pursuant to 36 CFR 251.58, if it traverses the Chippewa National Forest. The proposed project may require a permit to cross Federal Aid Highways under the Department of Transportation Act 23 CFR 1.23 and 1.27; 23 U.S.C. 116, 123, and 315; 23 CFR 645; and 23 CFR 771. The proposed project may require a certification from the U.S. Environmental Protection Agency under section 401 of the Clean Water Act if it traverses tribal lands. The proposed project must be considered by the United States Fish and Wildlife Service for compliance with the Endangered Species Act 16 U.S.C. 1531 *et seq.*, the Migratory Bird Act U.S.C. 703–712, 50 CFR Ch 1, and the Bald and Golden Eagle Protection Act of 1972 16 U.S.C. 668. The proposed project may require a right of way permit from the United States Bureau for Indian Affairs to cross American Indian trust lands pursuant to 25 CFR 169. The Leech Lake Band of Ojibwe may be a signatory to any agreement prepared under section 106 of the National Historic Preservation Act addressing resolution of adverse effects of the proposed project, if identified, pursuant to 36 CFR 800 6, particularly if the proposed project traverses the Leech Lake Band Reservation.

Dated: September 5, 2008.

Mark S. Plank,

Director, Engineering and Environmental Staff, USDA/Rural Development/Utilities Programs.

[FR Doc. E8–21178 Filed 9–10–08; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the emergency provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration.

Title: Market Research to Broaden and Deepen U.S. Exporter Base.

OMB Control Number: None.

Form Number(s): ITA–8710; ITA–8711; ITA–8712; and ITA–8713.

Type of Review: Regular submission.

Burden Hours: 1,800.

Number of Respondents: 4,000.

Average Hours per Response: 15 minutes, ITA–8710 and ITA–8713; and 30 minutes, ITA 8711 and ITA–8712.

Needs and Uses: Expanding U.S. exports is a national priority essential to improving U.S. trade performance. The Department of Commerce (DOC), International Trade Administration (ITA), U.S. Commercial Service (CS) serves as the key U.S. government agency responsible for promoting exports of goods and services from the United States, particularly by small and medium-sized enterprises, and assisting U.S. exporters in their dealings with foreign governments.

Section 4721 of 15 U.S. Code contains several provisions that direct the CS to, ''identify United States businesses with the potential to export goods and services and provide such businesses with advice and information on establishing export businesses.'' As

such, the long-term performance goal of the CS is to ''broaden and deepen the U.S. exporter base.''

Furthermore, the CS is mandated by the Government Performance and Results Act of 1993 to improve program performance and achieve better results for the American people. Based on this mandate, the CS developed new metrics driven by the 2008 Program Assessment Rating Tool (PART) to measure the effectiveness and impact of the CS at broadening and deepening the U.S. exporter base.

In order to collect information that establishes the baseline metrics for some of these new performance measures and provides data points for determining how to meet program performance goals, the CS requests approval to conduct market research on prospective and existing U.S. exporters using the following four surveys:

1. Commercial Service Brand Analysis and Strategy Survey (Form ITA–8710): The CS must increase awareness of our organization and the services provided to U.S. companies. Currently, there is no research available about CS awareness and brand position. This survey was designed to measure four new performance metrics (awareness, consideration, transaction and loyalty) related to broadening and deepening the U.S. exporter base.

2. Market Segmentation Survey of Moderate U.S. Exporters—Manufacturers (Form ITA–8711): The CS must gain market knowledge and generate statistically valid characterizations about the needs of exporting companies, especially small and medium-sized enterprises. This survey was designed to identify different segments of U.S. manufacturers so that the organization can measure our ability to broaden and deepen the exporter base of each unique segment.

3. Market Segmentation Survey of U.S. Exporters—Service Providers (Form ITA–8712): CS must gain market knowledge and generate statistically valid characterizations about the needs of exporting companies. This survey was designed to identify different segments of U.S. service providers so that the organization can measure our ability to broaden and deepen the exporter base of each unique segment.

4. Market Evaluation Survey of Non-Exporting Companies (Form ITA–8713): CS must gain market knowledge and generate statistically valid characterizations about the needs of non-exporting companies. This survey was designed to uncover the needs of U.S. companies that are not currently exporting so that the CS can measure the organization's ability to turn non-exporters into exporters.

The information will be used to improve and better target services provided to the public. Without this information, the CS is unable to measure program performance and systematically determine the needs and benefits desired of U.S. companies and how best to meet these needs in order to broaden and deepen the U.S. exporter base.

Affected Public: Business or other for-profit organizations.

Frequency: One-time, annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to OMB Desk Officer, David Rostker, FAX number (202) 395–5806, or *David_Rostker@omb.eop.gov*.

Dated: September 5, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–21030 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Evaluation of Public Visitors' Experience of Exhibits at Mokupapapa Discovery Center.

OMB Control Number: None.

Form Number(s): None.

Type of Request: Regular submission.

Burden Hours: 31.

Number of Respondents: 250.

Average Hours per Response: 7 to 8 minutes.

Needs and Uses: The National Marine Sanctuary Program (NMSP) education team has embarked on an ambitious evaluation project that will allow the NMSP to assess education program outcomes and impacts across all sites and activities and to link outcome measures to program efforts. The purpose of this effort is to evaluate if the current exhibits at the Mokupapapa Discovery Center (Hilo, HI) are meeting the goals and objectives of the educational mandates of the National Marine Sanctuaries Act, particularly in relation to the relatively recent establishment of the Papahanaumokuakea Marine National Monument in the Northwest Hawaiian Islands (NWHI). Randomly selected visitors to the Mokupapapa Discovery Center will be interviewed when leaving to explore their understanding of the location and geography of the islands, as well as their perception of interpretive messages, including the significance and sensitivity of the NWHI ecology. Application of findings from this evaluation will assist in adjusting program content, format, range of activities, and target audiences to improve overall effectiveness of educational efforts and expenditures.

Affected Public: Individuals or households.

Frequency: One-time only.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: September 5, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–21031 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the

Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Institute of Standards and Technology (NIST).

Title: NIST Manufacturing Extension Partnership (MEP) Client Impact Survey.

OMB Control Number: 0693–0021.

Form Number(s): None.

Type of Request: Regular submission.

Burden Hours: 1,067.

Number of Respondents: 8,000.

Average Hours per Response: 8 minutes.

Needs and Uses: The National Institute of Standards and Technology (NIST) sponsors the Manufacturing Extension Partnership (MEP), a national network of fifty-nine locally-based manufacturing extension centers. The centers work with small manufacturers to help improve their productivity, profitability, and enhance their overall economic competitiveness. Each center is a partnership involving federal, state, local, and client resources. The MEP Centers provide hard-to-find technical assistance and latest business practices within reach of the nation's more than 330,000 small and mid-sized manufacturers.

NIST MEP surveys all clients provided substantive services and collects data on sales, investment, cost savings, and jobs impacts as well as a limited set of qualitative questions. NIST MEP surveys center clients for two primary purposes:

- To collect aggregate information on program performance indicators to report to various stakeholders on program performance. The survey provides information about the quantifiable impacts that clients attribute to the services provided by MEP centers. NIST MEP also conducts other episodic studies to evaluate the system's impact that corroborate and complement the survey results.
- To provide center-specific program performance and impact information for center use. Centers use this information to communicate results to their own stakeholders, at both the state and federal level. The Centers' management and NIST MEP use these results to evaluate center performance and effectiveness. The MEP Center review criteria and process place a strong emphasis on a center's ability to demonstrate impacts based on the survey results.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Jasmeet Seehra, (202) 395–3123.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Jasmeet Seehra, OMB Desk Officer, FAX number (202) 395–5806 or via the Internet at *Jasmeet_K._Seehra@omb.eop.gov*.

Dated: September 5, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–21032 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Industry and Security (BIS).

Title: Prior Notification of Exports Under License Exception AGR.

OMB Control Number: 0694–0123.

Form Number(s): BIS–748P.

Type of Request: Regular submission.

Burden Hours: 161.

Number of Respondents: 167.

Average Hours per Response: 58 minutes.

Needs and Uses: Section 906 of the Trade Sanctions Reform and Export Enhancement Act (TSRA) requires that exports of agricultural commodities, medicine or medical devices to Cuba or to the government of a country that has been determined by the Secretary of State to have repeatedly provide support for acts of international terrorism, or to any other entity in such a country, are made pursuant to one-year licenses issued by the U.S. Government. The TSRA further provides that the requirements of one-year licenses shall not be more restrictive than license exceptions administered by the Department of Commerce, except that procedures shall be in place to deny licenses for these exports to any country, or entity within a country, promoting international terrorism.

To meet the requirements of TSRA, BIS has imposed a prior notification procedure under License Exception AGR, and exports and certain reexports of agricultural commodities will be authorized under License Exception AGR.

Affected Public: Business and other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Required to retain or obtain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285 or via the Internet at *David_Rostker@omb.eop.gov*.

Dated: September 5, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–21033 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 48–2008]

Foreign-Trade Zone 176—Rockford, IL Application for Subzone Cellusuede Products, Inc. (Flock Fiber) Rockford, IL

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Rockford Airport Authority, grantee of FTZ 176, requesting special-purpose subzone status for the manufacture of flock fiber at the facility of Cellusuede Products, Inc. (Cellusuede), located in Rockford, Illinois. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on September 3, 2008.

The Cellusuede facility (55 employees, 9 acres, 7–9 million pounds of flock per year) is located at the intersection of North Madison Street and Prairie Street, in Rockford, Illinois. The facility is used to manufacture and warehouse precision cut flocking (duty-

free). Components and materials sourced from abroad (representing 50–65% of the value of the finished product) include: Synthetic filament tow, artificial filament tow, polyester fibers, polypropylene fibers and rayon fibers (HTSUS duty rate ranges from 4.3 to 7.5%).

FTZ procedures would exempt Cellusuede from customs duty payments on the foreign components used in export production. The company anticipates that 10–20 percent of the plant's shipments will be exported. On its domestic sales, Cellusuede could choose the duty-free rate during customs entry procedures that applies to finished flock for the foreign inputs noted above. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, Elizabeth Whiteman of the FTZ staff is designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is November 10, 2008. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to November 25, 2008.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce Export Assistance Center, 605 Fulton Ave., Suite E103, Rockford, IL 61103.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2111, 1401 Constitution Ave., NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Elizabeth Whiteman at *Elizabeth_Whiteman@ita.doc.gov* or (202) 482–0473.

Dated: September 3, 2008.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E8–21231 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

Revised Proposal for Available Alternative Site-Designation and -Management Framework

SUMMARY: Based on comments received in response to the May 8, 2008, notice (73 FR 26077–26078), the Foreign-Trade Zones (FTZ) Board staff is making a number of revisions to its proposal to make available an alternative framework (for grantees that choose to participate) to designate and manage their general-purpose FTZ sites. Comments on the May proposal were overwhelmingly supportive overall with regard to making such a framework available to grantees on an optional basis. However, comments also raised a number of important questions and concerns.

In response, we have made some significant revisions to the proposal. Key revisions are allowance for a special transitional phase for each grantee applying to transfer to the alternative framework, elimination of a general initial limit on the number of ''usage-driven'' (formerly ''user-driven'') sites, elimination of the concept of an ''anchor'' site, and flexibility on the duration of the sunset limits for ''magnet'' sites—with five years established as a minimum rather than a fixed standard—so that the FTZ Board may take specific circumstances into account.

Comments and questions are summarized and addressed below by general topic. The revised proposal is delineated after the discussion of the comments/questions.

Comments Received

Comments on Overall Framework and Application Process

(1) One commenter suggested that, recognizing that a number of FTZ grantees currently have more FTZ sites and/or acreage than envisioned under the standard numbers associated with the proposed alternative site-designation and -management framework (''alternative framework''), the FTZ Board could require participating grantees to submit a plan in advance of an application to restructure the grantee's zone project outlining the process and standards to be used in assessing which of the grantee's existing sites to propose for continued FTZ status.

(2) One commenter stated that a grantee seeking to use the alternative framework would be changing its zone plan, which could only be accomplished through application to and approval by the FTZ Board. However, designating existing sites as Anchor or magnet sites should be at the grantees' discretion. Further, requiring grantees to recompile economic data to resubstantiate the designation of already approved sites would tend to be time-consuming while yielding little benefit.

(3) More than one commenter suggested a transitional period that would allow grantees whose numbers of existing sites exceed the envisioned standard limitations the opportunity to exceed those standard limitations if they believe it is desirable to do so for an initial period, with a sunset provision for all affected sites helping to ''weed out'' unused or unneeded zone sites at the end of the initial period.

(4) One commenter indicated that the FTZ Board should provide an appeals process for any existing property owners that may be ''detrimentally impacted'' by a grantee's decisionmaking process regarding whether to retain FTZ designation at currently designated sites. The framework should also address issues of concurrence needed from property owners that may not necessarily agree to have zone status removed.

(5) One commenter stated that it is important that the process be managed as a flexible framework rather than as a set of rigid requirements. The final framework should set general standards but specific grants of authority should be based on grantee requests and the FTZ Board's assessment of applications. It would be incumbent on grantees to demonstrate the need to diverge from the established general standards.

(6) One commenter stated that, for states where local inventory taxes can be a possible issue for approval of new sites, the FTZ Board should require evidence of taxing authority concurrence as part of the designation process. However, for existing FTZ sites being considered as part of the reframing of a zone project under the new framework, no new taxing authority approvals should be required. Also, if under the new framework FTZ designation is removed from a site either at the grantee's discretion or via a sunset mechanism, a taxing authority approval previously in place for the site should ''remain in place'' in the event of a future request for redesignation of the site as magnet or user-driven.

(7) One commenter suggested that the FTZ Board allow a grantee to benefit from some of the proposal's benefits (''floating acreage,'' simplified process for minor boundary modifications) within a 2,000-acre limitation but based on the grantee's own zone-site management plan, which the FTZ Board

could determine was an acceptable alternative to the model delineated in the alternative site management proposal.

Response on Overall Framework and Application Process

Reframing the ''plan'' for a general purpose zone project under the alternative framework would inherently involve application to the FTZ Board (including the procedural requirement for technical comments from CBP pursuant to 15 CFR 400.27(d)(1)) so that the Board could evaluate and possibly approve the proposal for a new plan for the zone. For existing FTZs with disparities between their levels of designated sites and acreage relative to their sites and acreage where FTZ activity is being conducted, we agree with the comments suggesting allowance for a transitional phase between a grantee's existing structure and a future structure consistent with the goals of the alternative framework. As a result, the revised proposal outlined below specifically incorporates a mechanism for an optional, one-time transitional phase for a participating grantee.

We also agree with comments indicating that applying rigid standards would be counterproductive. The proposal has been revised to eliminate any numeric limit or goal for usage-driven (formerly user-driven) sites. The revised proposal also reflects that a request for designation for a usage-driven site would be explicitly linked to the specific entity(ies) which will be conducting FTZ activity at the site (or for which such activity will be conducted). As such, the designation of a usage-driven site—and continuation of that designation—would be directly tied to the specific entity(ies) associated with the request. Further, the revised proposal emphasizes a general goal of no more than six magnet sites per zone while recognizing the special circumstances that may exist with regard to certain zones (such as regional, multi-county projects). The revised proposal explicitly allows for a range of situations while also emphasizing the type of justification that would be needed for a larger number of magnet sites.

Regarding grantee decisionmaking standards and appeals of such decisions, we agree that any grantee making a decision about whether to retain existing sites should apply uniform neutral standards in making that determination. A standard element of processing any application for Board action is a **Federal Register** notice with a public comment period. The notice and comment process provides appropriate procedural safeguards regarding any application for Board action. Also, as noted above, any grantee's use of the proposed alternative framework would be the result of an application to the FTZ Board to ''reorganize'' the zone. The FTZ Staff would aim to minimize the burden on the applicant (particularly regarding the type of economic data which had been part of a justification which had previously been submitted to the Board).

Finally, regarding documentation for concurrence of local taxing entities in states with inventory taxes, the Board would be able to evaluate on a case-by-case basis pre-existing documentation for sites newly proposed for designation whose previous FTZ designation had lapsed.

Comments on ''Service Area'' Concept

(8) One commenter, while agreeing with the concept of a ''service area'' (geographic area within which the grantee intends to be able to propose FTZ sites), noted that more than one grantee might present the same geographic location as part of their service areas and states that a grantee must satisfy the ''convenience of commerce'' (19 U.S.C. 81b(b)) for any portion of its service area that overlaps another grantee's service area. The same commenter raised a number of questions regarding service areas: Will there be a process to continue overlaps in service areas? Will the Board determine the service area for each grantee and, if so, would there be an appeals process? Would the establishment of service areas require the transfer of existing sites from one grantee to another? Must a grantee's subzones be within the boundaries of the service area associated with that grantee?

(9) One commenter stated that, in implementing the concept of a zone's service area, there is no need to change existing FTZ ''projects'' from one port of entry affiliation to another where ports of entry overlap and each has its own FTZ grantee.

Response on ''Service Area'' Concept

The complexity of the FTZ Board's evaluation of a grantee's proposed service area may vary depending on the proposal and the region to which the proposal relates. Some regions have multiple existing grantees serving a single Customs and Border Protection (CBP) port of entry (POE) and the limitations of the areas those grantees seek to serve may not have been defined to date. (It should be noted that some regions with multiple grantees serving a POE may have the basic framework in place to define service areas through the plans previously presented to the FTZ Board, some of which may have tended to focus on a single county within a broader region served by the POE.) In instances where there is disagreement over proposed service area(s) serving a POE, the FTZ Board would need to evaluate the history of the zone(s) at issue (particularly as such history relates to the ''convenience of commerce'' clause of section 81b(b) of the FTZ Act). The FTZ Board will be able to evaluate such issues on a case-by-case basis.

It is also important to recognize that the primary purpose of defining a service area is to put in place a zone ''plan'' that would clearly be compatible with subsequent requests for minor boundary modifications (MBMs) within the service area. As such, if a POE area is already served by multiple grantees with some overlap of communities served, defining a service area for grantee ''A'' would not inherently have an impact on an existing site of grantee ''B'' that happens to fall within the newly defined service area of grantee ''A.'' Also, approval of a service area for one grantee does not necessarily preclude another grantee in the POE from proposing a new FTZ site in the first grantee's approved service area based on evidence that the first grantee ''will not adequately serve the convenience of commerce'' (19 U.S.C. 81b(b)). In fact, the service areas could conceivably overlap although the FTZ Board would need to examine the public interest implications of such a situation, including burden on the resources of government agencies involved in administration and oversight related to the FTZ program.

A key additional point is that a service area could only be defined through an application for FTZ Board action. Action by the FTZ Board would establish the service area, and the Board would retain its existing discretion to determine whether to approve an application in its entirety and whether restrictions or limitations might be required. In this context, presentation of a proposed service area in an application does not guarantee approval of the exact service area by the Board (particularly if controversy has arisen regarding the proposed service area during the processing of the application). In instances where any party may wish to object to the service area proposed by a grantee in an application to the Board, the standard **Federal Register** notice and public comment procedures for applications to the Board will ensure that all

perspectives can be presented for consideration.

Finally, the proposal at issue here relates to a grantee's management of its general-purpose FTZ. As such, subzones are not a subject of *any* element of the proposal (service area, standard overall acreage limit, etc.) and, in any case, already are subject to regulations addressing issues of geography and sponsorship (*see* 15 CFR 400.22(d)(2)).

Comments on 2,000 Acre Limit and ''Floating'' Acreage

(10) More than one commenter indicated that the proposed initial limit of 2,000 acres of designated FTZ space for a participating grantee appears reasonable in light of the concept of ''floating acreage'' also described in the proposal, but that the proposal would likely fail without the flexibility associated with the floating acreage. The same commenters state that the proposed general initial limitations of 500 floating acres at an anchor site and 200 floating acres at a magnet site seem reasonable as long as the grantee is able to request an increase in the amount of floating acreage designated at a given site based on actual FTZ activity at the site.

(11) Two commenters indicated that the proposed 2,000-acre limit per zone could cause confusion for some property owners of sites within a zone that currently exceeds 2,000 designated acres. Clarification should be provided regarding the availability of user-driven designation so that existing land owners (public and private) can understand how removal of designation now does not preclude them from getting FTZ designation on a usage-driven basis in the future.

(12) One commenter was concerned that the proposed 2,000-acre limitation would be too restrictive for a grantee whose existing site approaches 2,000 acres in size.

(13) One commenter asked whether acreage for subzones was included in the proposed 2,000-acre limit.

Responses on 2,000 Acre Limit and ''Floating'' Acreage

The 2,000-acre limit reflects the FTZ Board's existing practice of limiting any FTZ grantee to activation of 2,000 acres (regardless of the overall size of the grantee's zone) unless further approval is obtained from the FTZ Board. It is important to emphasize that the concept of ''floating'' acreage significantly enhances the usefulness of the 2,000 acres. Given that major portions of large sites tend to remain unactivated, actual facilities encompassing significantly more than 2,000 acres could be served effectively by 2,000 floating acres. (For example, 500 floating acres within a 4,000 acre airport complex would enable activation of up to 500 acres anywhere within the complex.)

Comments on ''Anchor'' Site Concept

(14) One commenter maintains that, where an existing site is to be proposed as an ''Anchor'' site, the grantee should be able to accomplish ''Anchor'' designation through a letter to the FTZ Board staff rather than a full application to the FTZ Board.

Response on ''Anchor'' Site Concept

Based on factors described elsewhere in this notice, the revised proposal no longer includes the concept of an anchor site. Flexibility introduced into the revised concept for a magnet site enables magnet designation to cover a broader range of needs. At the same time, the proposal is simplified by having two categories of sites rather than three.

Comments on ''Magnet'' Site Concept

(15) More than one commenter maintained that, where an existing site is to be proposed as a magnet site, the grantee should be able to accomplish magnet designation through a letter to the FTZ Board staff rather than a full application to the FTZ Board.

Response on ''Magnet'' Site Concept

The designation of magnet sites is intended to be part of the reframing of a zone's plan through application to the FTZ Board. As such, magnet designation cannot be accomplished through administrative action by the FTZ Board staff. However, there is real merit to commenters' point that burden should be minimized for a grantee seeking to propose existing sites as magnet sites. Minimizing burden in that manner will be a goal for any guidelines to be issued by the Board staff for applications to reorganize zones using the alternative framework. Further, as noted above, such guidelines would aim to minimize any need to present new economic data for existing sites.

Comments on ''User-Driven'' Site Concept

(16) One commenter recommended changing the nomenclature of ''user-driven'' sites to ''usage-driven'' sites to reflect that designation of certain sites may be driven by the needs of an ''operator'' (15 CFR 400.2(s)) rather than a ''user'' (15 CFR 400.2(v)).

(17) One commenter recommended changing the nomenclature of ''user-driven'' sites to ''operator/user-driven'' to reflect the possible use of such sites by third-party operators.

Response on ''User-Driven'' Site Concept

The term ''user-driven'' unintentionally gave the impression of limiting such sites to situations driven by the needs of a zone ''user'' (as defined in 15 CFR 400.2(v)). In this revised proposal, we have adopted the recommended nomenclature ''usage-driven'' (which will be used throughout the remainder of this notice). Usage-driven sites would be designated for the physical area(s) required for company(ies) conducting FTZ activity or ready to pursue conducting FTZ activity.

Comments on Numbers of Sites

(18) Several commenters questioned the need to have general limits on the numbers of magnet and user-driven sites.

(19) One commenter stated that a grantee should have the flexibility to determine appropriate numbers of magnet and user-driven sites for its zone project without limits on the numbers of such sites as long as the grantee's zone project remained within the overall 2,000 acre limit.

(20) One commenter indicates that for regional FTZ projects that span more than one county, of which multiple examples exist in the FTZ program, each county should be able to have an ''Anchor'' site.

(21) Two commenters indicated that the concept should be amended to allow for designation of one anchor site per city or county participating in the zone project.

(22) One commenter indicated that limitations on numbers of sites and on acreage for a type of site may be appropriate for many zones but inappropriate for some regionally focused zones. Also, the number of counties participating in a zone may be a good point of reference in many instances. However, counties can vary significantly in size, population and business activity, so counties may not be an appropriate point of reference in all cases.

(23) One commenter indicated that it sees no reasonable or fair limits to the number of FTZ sites, whether magnet or user-driven.

Response on Numbers of Sites

In addition to elimination of the concept of an ''anchor'' site, the proposal has been revised in several significant ways regarding numbers of sites. First, there is no longer a suggested initial limit on the number of

proposed usage-driven sites per FTZ. For magnet sites, the revised proposal describes a general goal of no more than six magnet sites per zone over the long term. However, the revised proposal also makes clear that the goal is not a fixed standard. There is explicit recognition that flexibility may be needed for zone projects with structures that could potentially justify larger numbers of magnet sites. Further, the newly proposed option for a transitional phase for any participating grantee incorporates initial flexibility on numbers of sites.

At the same time, it is important to recognize that the alternative framework delineated in the proposal is, fundamentally, about significantly enhanced flexibility in marketing and managing a zone project. The increased flexibility for the grantee is explicitly linked to other elements, including a need for greater focus that makes such flexibility possible. The proposal also reflects the reality expressed by many grantees of the great difficulty in prospectively placing FTZ designation where it may be needed in the future. The proposal looks to enable a grantee to move beyond repeated (often unsuccessful) attempts at prospective FTZ designation by recognizing that the primary mechanism for a participating grantee to serve new needs would be usage-driven minor boundary modifications (MBMs) within the service area, with a lesser role for long-term efforts to attract FTZ use to specific pre-designated magnet sites. Concentrating FTZ designation where it is actually used will also yield important benefits for the government in terms of oversight burden and other resource-related considerations.

One factor to bear in mind regarding the revised proposal's goal of no more than six magnet sites per grantee is that sites which begin their FTZ designation as magnet may ultimately prove appropriate to be shifted to usage-driven designation. For example, an industrial park newly designated as a magnet site may, after a number of years, be fully occupied but only have one active FTZ user and no other occupants that envision a short- to medium-term need for FTZ services. At the same time, the grantee may determine that it is desirable to propose a new industrial park as a magnet site. In that context, one option for a grantee to consider is redesignating the active FTZ portion of the older industrial park as a usage-driven site while seeking magnet designation for the new industrial park. Consideration of this type of option would be particularly appropriate if the grantee already had six magnet sites, and the FTZ Board could examine the number of distinct activated operations within each existing magnet site when evaluating a request for additional magnet sites beyond the goal of no more than six. This reflects that a grantee's participation in the alternative framework will make rapid MBM action available for any unanticipated FTZ-related need within the service area (including, when warranted, to bring usage-driven FTZ designation to any parcel that may have previously had zone designation).

Comments on Sunset Limits

(24) One commenter stated that it is reasonable for magnet and user-driven sites to be subject to ''sunset'' limits whereby FTZ designation ''self-removes'' at the end of a five-year sunset period if no FTZ activity has occurred but added that differing standards should apply to magnet versus user-driven sites. Specifically, the commenter indicates that magnet sites should be subject to a sunset/removal standard based on ''activation'' (19 CFR 146.1(b)) whereas user-driven sites should be subject to a stricter sunset/removal standard based on the admission of foreign non-duty paid material into the zone site for a *bona fide* customs purpose.

(25) One commenter expressed concerns that sunset limits may be counterproductive by inhibiting investment in FTZ sites by property owners, adding that the time frames needed for zoning, infrastructure, construction, as well as activation of a finished facility by CBP, can make a five-year sunset period unrealistically short.

Response on Sunset Limits

Based on comments received, this revised proposal envisions a five-year period as the minimum sunset limit for magnet sites and allows flexibility in the FTZ Board's evaluation of evidence so that a longer sunset period for a specific magnet site could be approved where appropriate based on the circumstances. For usage-driven sites, the proposed five-year sunset limit is unaltered since the first proposal and reflects the nature of usage-driven sites. The ability to designate a usage-driven site within a grantee's service area via simple and rapid MBM action should also enable the grantee to address needs for new FTZ designation in situations where activation for a specific operator or user could not be accomplished during a site's initial sunset period.

With regard to the standard to be applied in the application of sunset limits, this revised proposal adopts standards suggested in comments. Specifically, FTZ designation will self-remove from a magnet site unless the site is activated by CBP prior to the specific site's sunset deadline. For a usage-driven site, FTZ designation will self-remove unless there has been prior to the sunset deadline the admission into the site of foreign non-duty paid material for a *bona fide* customs purpose. These standards also apply to the periodic reapplication of the sunset test for a site under the ''recycling'' concept.

Comment on Site Numbering

(26) One commenter stressed that the FTZ Board should coordinate with various other Federal agencies to ensure compatibility of any site numbering in automated systems and across agencies. The same commenter indicated that the Board should issue guidance on the potential need for grantees to amend zone schedules (15 CFR 400.42(b)) and agreements with third parties if the Board renumbers zone sites.

Response on Site Numbering

The commenter is correct in highlighting the importance of the FTZ Board coordinating any site numbering or re-numbering with key government agencies. For any such numbering/re-numbering, the FTZ Board staff can also issue guidance where needed for affected grantees and third parties.

Comment on Tracking of Sites

(27) One commenter indicated that increased complexity of site tracking associated with a grantee's participation in the optional framework means that the Board should require such a grantee to post to the FTZ Board's Web site regularly updated site and activation plans.

Response on Tracking of Sites

The tracking of sites, including designation and sunset, will be critical to the successful functioning of the alternative framework. For any implementation of the alternative framework, the FTZ Board staff would coordinate availability and use of an effective, publicly available tracking mechanism.

Comment on Procedures for Minor Boundary Modifications

(28) One commenter suggests enhancing the process for minor boundary modifications (MBMs) within the site management framework by allowing a grantee to request from the Customs and Border Protection port director a ''Zone time approval'' that would give the Grantee blanket CBP

concurrence for any user-driven sites the grantee might propose based on certain conditions.

Response on Procedures for Minor Boundary Modifications

The process for local CBP evaluation and possible concurrence for proposed MBMs often involves an examination of the specific activity and entities involved. Variation in activities, users, etc., can have a significant impact on the ultimate burden imposed on CBP resources. In this context, the current request-by-request consideration by CBP will be maintained for MBMs under the revised proposal.

Revised Proposal

The fundamental trade-off addressed in this proposal continues to be greater flexibility and increased predictability for approval of FTZ sites through simple and rapid minor boundary modification actions in exchange for a grantee maximizing the linkage between designation of FTZ space and actual use of that space for FTZ activity (after ''activation'' by CBP). The major benefit would likely be for existing FTZ grantees, which would have the option of applying to reorganize their FTZ by incorporating in an application for FTZ Board action elements from the following framework:

1. The ''service area'' within which the grantee intends to be able to propose general-purpose FTZ sites (*e.g.*, specific counties, with documented support from new counties if the service area reflected a broader focus than the FTZ's current area served). The term ''service area'' applies a name to a concept which already exists in certain approved FTZ applications in which a grantee organization has named the localities it intends to serve. It should be noted that any service area would need to be consistent with the ''adjacency'' requirement of the FTZ Board's regulations (60 miles/90 minutes driving time from CBP Port of Entry boundaries). A grantee's proposed service area would need to be consistent with enabling legislation and the grantee organization's charter. The FTZ Board's evaluation of a proposed service area could potentially involve examination of issues related to the ''convenience of commerce'' (19 U.S.C. 81b(b)) in regions served by more than one FTZ grantee.

2. An initial limit of up to 2,000 acres of designated FTZ space within the service area. Given the proposal's focus on linking FTZ designation more closely to FTZ activity, the 2,000-acre limit reflects the FTZ Board's existing practice of limiting any FTZ grantee to activation of 2,000 acres (regardless of the overall size of the grantee's zone) unless further approval is obtained from the FTZ Board. Acreage within the 2,000-acre limit which had not been applied to specific designated sites would effectively be ''reserve'' acreage available for future FTZ designation for parcels or sites within the grantee's approved service area.

3. Enhancement of the usefulness of the 2,000 available acres by emphasizing ''floating'' acreage within an individual site's boundaries (as has been the FTZ Board's practice with certain applications to date). For example, 100 acres of ''floating'' FTZ designation within the boundaries of a 700-acre port complex would mean that it would be possible to activate with CBP up to 100 acres of total space anywhere within that 700-acre complex.

4. Designation of a limited number of ''magnet'' sites selected by the grantee—often as a result of local public processes—for ability and readiness to attract multiple FTZ uses. An individual magnet site would generally be proposed with no more than 200 ''floating'' acres, although a larger number of proposed acres for a magnet site could be justified based on factors such as the nature of the site (*e.g.*, a major harbor facility) or a specific type of projected FTZ activity that would tend to require an unusually large number of acres in simultaneous ''activated'' status at the specific site. A magnet site could only be designated through an application for FTZ Board action.

5. Possible designation of ''usage-driven'' sites to serve companies which are not located in a magnet site but which are ready to pursue conducting activity under FTZ procedures. In the general interest of maximizing the linkage between FTZ site designation and FTZ activity at the site, a usage-driven site would be limited—in the context of a larger industrial park or business district where other companies interested in FTZ procedures might be able to locate in the future—to the area(s) required for the company(ies) specifically identified as ready to pursue conducting FTZ activity at the site.

6. Unlike magnet sites, usage-driven sites could be designated through the current minor boundary modification (MBM) mechanism—a rapid administrative action by the Board's staff—in addition to through FTZ Board action. (It should be noted that usage-driven MBM actions could conceivably be used to designate additional acreage where needed at magnet site locations.) A simplification of the MBM process would result from elimination of the need to ''swap'' like amounts of acreage from existing sites as long as the total acreage for existing and proposed sites remained within the standard 2,000-acre limit. Requests for MBM actions would continue to require concurrence from the appropriate CBP port director.

7. No specific limit on the number of usage-driven sites. However, it should be noted that such usage-driven sites are by definition focused on only the specific physical area(s) required for company(ies) conducting FTZ activity or ready to pursue conducting FTZ activity. Therefore, with regard to numbers of usage-driven sites, the definition of such sites and the standard sunset limits (and recycling) described below inherently function to limit usage-driven sites on an ongoing basis to the number of specific areas required for activity by (or on behalf of) FTZ users.

8. Regarding numbers of magnet sites, the framework would reflect a general goal—after any transition period, as outlined below—of focusing each FTZ on six or fewer simultaneously existing magnet sites. Special circumstances of regional (multi-county) FTZs could be taken into account based on factors which could justify a larger number of magnet sites (*e.g.*, population size, level of trade-related activity). Also, a grantee seeking over a longer term to justify to the FTZ Board proposed authority for a larger number of magnet sites could provide evidence of multi-user FTZ activity—as reflected in the grantee's annual reports to the FTZ Board—at a significant percentage of the grantee's already designated magnet sites. (It should be noted that a grantee with an approved magnet site where only a single user activates over time will be able to consider requesting usage-driven designation for the active portion of that magnet site, thereby helping to retain focus and enabling the grantee to consider whether a different site would be more appropriate for magnet designation while remaining consistent with the goal outlined above for total number of magnet sites.)

9. Magnet sites and usage-driven sites would be subject to ''sunset'' time limits which would self-remove FTZ designation from a site not used for FTZ purposes before the site's sunset date. For magnet sites, the default sunset period would be five years with sunset based on whether a site had been activated by CBP. However, the FTZ Board could take a range of factors into account in determining the appropriate sunset period for a given site (*e.g.*, nature of the site, public ownership of the site). For a usage-driven site, the

sunset limit would require within five years of approval admission into the site of foreign non-duty paid material for a *bona fide* customs purpose. Experience in administering the framework could also reveal a need to adjust practice for usage-driven sites to implement intermediate benchmarks (such as progress towards activation) rather than a single deadline date at the end of a five-year period.

10. Magnet sites and usage-driven sites would also be subject to ongoing ''recycling'' whereby activation at a site during the site's initial sunset period would serve to push back the sunset date by another five years (when the sunset test would again apply). Finally, if all of a grantee's sites were due to sunset based on lack of activation, the grantee would need to apply to the FTZ Board at least 12 months in advance of the ultimate sunset termination to request designation of at least one site for the period beyond the sunset of the previously approved sites.

11. An optional five-year transitional phase would be available for grantees of zones with existing configurations that differ from the general parameters envisioned in the proposal. For the optional transitional phase, an individual grantee could apply to reorganize its zone and request continued FTZ designation for existing sites that the grantee determines warrant further opportunity to demonstrate a need for FTZ status. For the transition period, there would be no specific goal in terms of numbers of existing sites which could be proposed for magnet designation. However, sites proposed for a zone's transitional phase would need to comply with the framework's limit of 2,000 floating acres within the zone's site (see further discussion below).

12. For the transitional phase for a particular zone, the grantee would have the option of requesting usage-driven designation for any site where a single entity is conducting (or ready to conduct) FTZ activity. For sites that the grantee believes are better suited to a magnet (multi-user) role, the grantee could request magnet designation. Any usage-driven sites would have the standard five-year sunset period for such sites. The FTZ Board would establish sunset limits for individual magnet sites based on the facts of the case (particularly as they pertain to each site). For the transition phase, the default sunset limit for magnet sites would be five years but the FTZ Board would be able to establish longer sunset limits for specific sites if warranted by the facts and circumstances present.

13. The five-year transition period for a specific grantee would begin with approval of the grantee's reorganization application by the FTZ Board. During the final year of the transition period, the FTZ Board staff would initiate a review of all of the zone's sites for which the sunset limits align with the end of the transition period. The staff review would examine whether each of those sites had been activated during the transition period and, for activated sites, the specific FTZ activity which had taken place (including the operator(s)/user(s) for each site). The staff review of a zone's transition period would result in a report noting any sites subject to the review which had remained unactivated during the period (for which FTZ designation would self-remove at the end of the period). The staff report would also make preliminary recommendations regarding magnet or usage-driven designation going forward for sites activated during the period. The FTZ Board staff would provide its preliminary recommendations to the zone's grantee and allow a period of 30 days for the grantee to provide any response to the staff's recommendations. After the end of the 30-day period, the staff would create a final report taking into account any response from the grantee regarding the preliminary recommendations. Where appropriate, the Board's Executive Secretary would be able to take action on a recommended transition of a site from magnet to usage-driven designation via the minor boundary modification process.

14. The transitional phase for any zone would be limited by the defining 2,000 acre limit inherent in the proposed framework. In this context, if existing sites which a grantee wishes to propose for a transitional phase cumulatively exceed 2,000 acres in their current configuration, the grantee would need to determine the amount of ''floating'' acreage to propose within the boundaries of each such existing site. (For example, if an existing site is the 340-acre Acme Industrial Park, the grantee could propose 200 floating acres within the 340-acre Acme Industrial Park.) A grantee might opt for a simple mechanism to apportion a certain total amount of floating acreage among sites it is proposing for the transitional phase (after making allowance for the amount of acreage the grantee determines it needs to keep in reserve for possible future minor boundary modifications; a grantee retaining a minimum of 200 acres in reserve is advisable).

It is important to note that the elements of the proposal support each other in furthering the goals of flexibility and focus for FTZ site designation (with important resulting resource- and efficiency-related benefits for the government). As such, a framework incorporating these types of elements would include the package of elements as an available alternative to the Board's current practice. FTZ grantees opting to manage their zones under the Board's current framework would be unaffected by this proposal. As is currently the case, minor boundary modification actions would be approved by the Board's staff while modifications to a zone's ''plan'' (*e.g.*, increase in authorized FTZ acreage, modifications to service area) would be matters for the FTZ Board's consideration.

In addition, in order to help the FTZ Board evaluate the effectiveness and appropriateness of the alternative framework after actual experience with FTZ grantees, the FTZ staff would report to the Board on a periodic basis regarding the actual usage of the alternative framework. The staff's reporting regarding implementation of the framework at individual participating FTZs would result from staff-initiated reviews and would not require any request or application from the grantee.

Public comment on this proposal is invited from interested parties. We ask that parties fax a copy of their comments, addressed to the Board's Executive Secretary, to (202) 482–0002. We also ask that parties submit the original of their comments to the Board's Executive Secretary at the following address: U.S. Department of Commerce, Room 2111, 1401 Constitution Ave., NW., Washington, DC 20230. The closing period for the receipt of public comments is October 31, 2008. Any questions about this request for comments may be directed to the FTZ Board staff at (202) 482–2862.

Dated: September 8, 2008.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E8–21232 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Action Affecting Export Privileges; Ralph Michel

Ralph Michel, 41 Rosewood Drive, Easton, CT 06612, U.S., Respondent; Order

On November 12, 2003, having approved the terms of a settlement

agreement between the Bureau of Industry and Security, United States Department of Commerce (''BIS''), and Respondent Ralph Michel (''Michel''), then-Assistant Secretary for Export Enforcement Julie L. Myers issued an Order (68 FR 65032, Nov. 18, 2003) resolving an administrative proceeding against Michel pursuant to Section 13(c) of the Export Administration Act of 1979, as amended (''Act''),[1] and the Export Administration Regulations (''Regulations''),[2] based on allegations in a proposed charging letter that Michel had committed six violations of the Regulations.

Among other things, the November 12, 2003 Order provided a non-standard denial of export privileges that prohibited Michel, for a period of five years from the date of that Order, from participating in any way in any transaction involving the export from the United States to Pakistan of any item subject to the Regulations or in any other activity subject to the Regulations that involves Pakistan.

Whereas, the November 12, 2003 Order lists Michel as ''Ralph Michel, Vice President, Omega Engineering, Inc., One Omega Drive, Stamford, Connecticut 06907'';

Whereas, the Office of Export Enforcement, Bureau of Industry and Security, U.S. Department of Commerce (''OEE''), has confirmed that this address is no longer correct, and that Michel's current address is ''41 Rosewood Dr., Easton, CT 06612''; and

Whereas, as a result of the information OEE obtained regarding Michel's current address, OEE has requested that an order be issued amending the November 12, 2003 Order to reflect that new address for Michel;

Accordingly, it is hereby ordered that the November 12, 2003 Order denying Michel for five years from participating in any way in any transaction involving the export from the United States to Pakistan of any item subject to the Regulations or in any other activity subject to the Regulations that involves Pakistan is amended by deleting the address ''Vice President, Omega Engineering, Inc., One Omega Drive, Stamford, Connecticut 06907'', and by adding the address ''41 Rosewood Dr., Easton, CT 06612''. In all other aspects, the November 12, 2003 Order remains in full force and effect.

This Order shall be effective immediately upon publication in the **Federal Register**.

Entered this 4th day of September 2008.

Darryl W. Jackson,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. E8–21229 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–DT–P

[1] 50 U.S.C. app. 2401–2420 (2000). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of July 23, 2008 (73 FR 43603 (July 25, 2008)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)) (''IEEPA'').

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2008). The current version of the Regulations govern the procedural aspects of this case. The charged violations occurred in 1997. The Regulations governing the charged violations are found in the 1997 version of the Code of Federal Regulations (15 CFR parts 730–774 (1997)).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–801, A–428–801, A–475–801, A–588–804, A–412–801]

Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews and Rescission of Reviews in Part

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

SUMMARY: On May 7, 2008, the Department of Commerce (the Department) published the preliminary results of the administrative reviews of the antidumping duty orders on ball bearings and parts thereof from France, Germany, Italy, Japan, and the United Kingdom. The reviews cover 27 manufacturers/exporters. The period of review is May 1, 2006, through April 30, 2007.

Based on our analysis of the comments received, we have made changes, including corrections of certain programming and other ministerial errors, in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled ''Final Results of the Reviews.''

DATES: *Effective Date:* September 11, 2008.

FOR FURTHER INFORMATION: Catherine Cartsos or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–1757 or (202) 482–4477, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 7, 2008, the Department of Commerce published the preliminary results of the administrative reviews of the antidumping duty orders on ball bearings and parts thereof from France, Germany, Italy, Japan, and the United Kingdom. See *Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Preliminary Results of Antidumping Duty Administrative Reviews and Intent to Rescind Reviews in Part*, 73 FR 25654 (May 7, 2008) (*Preliminary Results*). For these administrative reviews, the period of review covered is May 1, 2006, through April 30, 2007.

We invited interested parties to comment on the preliminary results. At the request of certain parties, we held a hearing for Japan-specific issues on July 1, 2008, a hearing for Germany-specific issues on July 10, 2008, a hearing for France-specific issues on July 11, 2008, and a hearing for general issues on July 15, 2008. The Department has conducted these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Orders

The products covered by the orders are ball bearings (other than tapered roller bearings) and parts thereof. These products include all antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following *Harmonized Tariff Schedules* (HTS) subheadings: 3926.90.45, 4016.93.10, 4016.93.50, 6909.19.5010, 8431.20.00, 8431.39.0010, 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.35, 8482.99.2580, 8482.99.6595, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.93.30, 8708.93.6000, 8708.99.06, 8708.99.3100, 8708.99.4000, 8708.99.4960, 8708.99.58, 8708.99.8015, 8708.99.8080, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, and 8803.90.90.

As a result of changes to the HTS, effective February 2, 2007, the subject merchandise is also classifiable under the following additional HTS item numbers: 8708.30.50.90, 8708.40.75.00, 8708.50.79.00, 8708.50.8900,

8708.50.91.50, 8708.50.99.00, 8708.70.6060, 8708.80.65.90, 8708.93.75.00, 8708.94.75, 8708.95.20.00, 8708.99.55.00, 8708.99.68, 8708.99.81.80.

Although the HTS item numbers above are provided for convenience and customs purposes, the written descriptions of the scope of these orders remain dispositive.

The size or precision grade of a bearing does not influence whether the bearing is covered by one of the orders. These orders cover all the subject bearings and parts thereof (inner race, outer race, cage, rollers, balls, seals, shields, etc.) outlined above with certain limitations. With regard to finished parts, all such parts are included in the scope of these orders. For unfinished parts, such parts are included if they have been heat-treated or if heat treatment is not required to be performed on the part. Thus, the only unfinished parts that are not covered by these orders are those that will be subject to heat treatment after importation. The ultimate application of a bearing also does not influence whether the bearing is covered by the orders. Bearings designed for highly specialized applications are not excluded. Any of the subject bearings, regardless of whether they may ultimately be utilized in aircraft, automobiles, or other equipment, are within the scope of these orders.

For a list of scope determinations which pertain to the orders, see the ''Memorandum to Laurie Parkhill'' regarding scope determinations, dated April 30, 2008, which is on file in the Central Records Unit (CRU) of the main Department of Commerce building, room 1117, in the General Issues record (A–100–001) for the 2006–2007 reviews.

Rescission of Reviews in Part

In the *Preliminary Results,* we preliminarily found that Essex Nexans Europe SAS, Essex Nexans SAS, Essex Nexans L&K GmbH, Essex International Ltd., IKN GmbH, and WWC Service-Center GmbH had no shipments of subject merchandise during the period of review and we stated our intent to rescind the administrative reviews with respect to these companies. We have received no comments concerning our intent to rescind these administrative reviews. We continue to find that Essex Nexans Europe SAS, Essex Nexans SAS, Essex Nexans L&K GmbH, Essex International Ltd., IKN GmbH, and WWC Service-Center GmbH had no shipments of ball bearings from France, Germany, Italy, or the United Kingdom for the final results of these reviews. In accordance with 19 CFR 351.213(d)(3) we are rescinding our reviews for Essex Nexans Europe SAS, Essex Nexans SAS, Essex Nexans L&K GmbH, Essex International Ltd., IKN GmbH, and WWC Service-Center GmbH.

Analysis of the Comments Received

All issues raised in the case and rebuttal briefs by parties to the concurrent administrative reviews of the orders on ball bearings and parts thereof are addressed in the ''Issues and Decision Memorandum'' (Decision Memo) from Stephen J. Claeys, Deputy Assistant Secretary, to David M. Spooner, Assistant Secretary, dated September 4, 2008, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded is in the Decision Memo and attached to this notice as an Appendix. The Decision Memo, which is a public document, is on file in the CRU, main Department of Commerce building, Room 1117, and is accessible on the Web at *http://ia.ita.doc.gov/frn/index.html*. The paper copy and electronic version of the Decision Memo are identical in content.

Selection of Respondents

Due to the large number of companies in the reviews and the resulting administrative burden to review each company for which a request had been made and not withdrawn, the Department exercised its authority to limit the number of respondents selected for the reviews. Based on our analysis of the responses and our available resources, we chose to examine the sales of the following companies:

France:
* SKF France S.A. and SFK Aerospace France S.A.S. (SKF France)

Germany:
* Gebrüder Reinfurt GmbH & Co., KG (GRW)
* SKF GmbH (SKF Germany)

Italy:
* SKF RIV–SKF Officine di Villas Perosa S.p.A.; SKF Industrie S.p.A.; RFT S.p.A.; OMVP S.p.A. (collectively SKF Italy)

Japan:
* JTEKT Corporation (formerly known as Koyo Seiko Co., Ltd.) (JTEKT)
* NTN Corporation (NTN)

United Kingdom:
* The Barden Corporation (UK) Limited; Schaeffler (UK) Ltd. (formerly known as the Barden Corporation (UK) Ltd. or FAG (UK) Ltd.) (collectively Barden/Schaeffler UK)

For a detailed discussion on the selection of respondents for individual examination, see *Preliminary Results,* 73 FR at 25655.

For the responding companies which remain under review and which we did not select for individual examination, we have either calculated a simple average of the weighted-average margins of the two selected respondents in a review (Japan—10.00 percent) or assigned the weighted-average margin from the previous administrative review (United Kingdom—0.72 percent). For a discussion of the rate for the non-selected respondent in the U.K. review, see Comment 16 of the Decision Memo.

Adverse Facts Available

Christian Feddersen GmbH & Co. KG, Lentz & Schmahl GmbH, and Societe Nexans did not respond to our request concerning their sales or exports of ball bearings from France, Italy, Germany and the United Kingdom. These companies had the ability to provide data concerning the quantity and value of subject merchandise to the United States during the POR but did not do so, failing to cooperate by not acting to the best of their ability. We could neither consider them in our selection of respondents for individual examination nor complete any administrative reviews of the companies. See *Preliminary Results,* 73 FR at 25655. We received no comments on our preliminary determination to apply adverse facts available to these companies. For our final results, we have based their margins on facts available with an adverse inference in accordance with section 776 of the Act.

As facts available with an adverse inference for these non-responsive companies, we have selected the rates of 66.42 percent for France, 70.41 percent for Germany, 69.99 percent for Italy, and 60.15 percent for the United Kingdom. We corroborated these rates in accordance with section 776(c) of the Act. See *Preliminary Results,* 73 FR at 25657.

In addition, in our preliminary results we used facts otherwise available with an adverse inference for certain U.S. sales made by SKF Germany for which SKF Germany was not the producer and for which the producer failed to provide cost-of-production information by the deadline for submission of the information. We continue to find that it is appropriate to use facts otherwise available with an adverse inference for certain U.S. sales made by SKF Germany. For a detailed discussion see Comment 15 in the Decision Memo.

Sales Below Cost in the Home Market

The Department disregarded home-market sales that failed the cost-of-

production test for the following firms for these final results of reviews:

Country	Company
France	SKF France
Germany	GRW
	SKF Germany
Italy	SKF Italy
Japan	JTEKT
	NTN
United Kingdom	Barden/Schaeffler UK

Changes Since the Preliminary Results

Based on our analysis of comments received and based on our own analysis of the preliminary results, we have made revisions that have changed the results for certain firms. We have corrected programming and ministerial errors in the preliminary results, where applicable. A detailed discussion of each correction we made is in the analysis memoranda which are on file in the CRU, main Department of Commerce building, Room 1117.

Final Results of the Reviews

We determine that the following percentage weighted-average dumping margins on ball bearings and parts thereof exist for the period May 1, 2006, through April 30, 2007:

Company	Margin (percent)
FRANCE	
Christian Feddersen GmbH & Co. KG	66.42
Lentz & Schmahl GmbH	66.42
SKF France	11.09
Societe Nexans	66.42
GERMANY	
Christian Feddersen GmbH & Co. KG	70.41
GRW	0.12
Lentz & Schmahl GmbH	70.41
SKF Germany	4.15
Societe Nexans	70.41
ITALY	
Christian Feddersen GmbH & Co. KG	69.99
Lentz & Schmahl GmbH	69.99
SKF Italy (and Somecat)	7.06
Societe Nexans	69.99
JAPAN	
Aisin Seiki Company, Ltd.	10.00
Canon, Inc.	10.00
JTEKT	8.03
Nachi-Fujikoshi Corp.	10.00
Nippon Pillow Block Company Ltd.	10.00
NTN	11.96
Sapporo Precision, Inc	10.00
Toyota Motor Corp./Toyota Industries Corp.	10.00
Yamazaki Mazak Trading Company	10.00
UNITED KINGDOM	
Barden/Schaeffler UK	0.28
Christian Feddersen GmbH & Co. KG	58.20
Lentz & Schmahl GmbH	58.20
Rolls Royce PLC	0.72
Societe Nexans	58.20

Assessment Rates

The Department will determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. We intend to issue appropriate assessment instructions directly to CBP 15 days after publication of these final results of reviews. In accordance with 19 CFR 351.212(b)(1), we have calculated, whenever possible, an importer/customer-specific assessment rate or value for subject merchandise.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003) (*Assessment of Antidumping Duties*). This clarification will apply to entries of subject merchandise during the period of review produced by companies included in these final results of reviews for which the reviewed companies did not know their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Assessment of Antidumping Duties.*

For the responsive companies which were not selected for individual review, we will instruct CBP to apply the rates listed above to all entries of subject merchandise from such firms.

For companies for which we are relying on total adverse facts available to establish a dumping margin, we will instruct CBP to apply the assigned dumping margins to all entries of subject merchandise during the POR that were produced and/or exported by the companies.

Export Price

With respect to export-price (EP) sales, we divided the total dumping margins (calculated as the difference between normal value and the EP) for each exporter's importer or customer by the total number of units the exporter sold to that importer or customer. We will direct CBP to assess the resulting per-unit dollar amount against each unit of merchandise on each of that importer's or customer's entries under the relevant order during the review period.

Constructed Export Price

For constructed export-price (CEP) sales, we divided the total dumping margins for the reviewed sales by the total entered value of those reviewed sales for each importer. We will direct CBP to assess the resulting percentage margin against the entered customs values for the subject merchandise on each of that importer's entries under the relevant order during the review period. See 19 CFR 351.212(b)(1).

Cash-Deposit Requirements

To calculate the cash-deposit rate for each respondent (*i.e.*, each exporter and/or manufacturer included in these reviews), we divided the total dumping margins for each company by the total net value of that company's sales of merchandise during the review period subject to each order.

To derive a single deposit rate for each respondent, we weight-averaged the EP and CEP deposit rates (using the EP and CEP, respectively, as the weighting factors). To accomplish this when we sampled CEP sales (see *Preliminary Results,* 73 FR at 25662), we first calculated the total dumping margins for all CEP sales during the review period by multiplying the sample CEP margins by the ratio of total days in the review period to days in the sample weeks. We then calculated a total net value for all CEP sales during the review period by multiplying the sample CEP total net value by the same ratio. Finally, we divided the combined total dumping margins for both EP and CEP sales by the combined total value for both EP and CEP sales to obtain the deposit rate.

We will direct CBP to collect the resulting percentage deposit rate against the entered customs value of each of the exporter's entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Entries of parts incorporated into finished bearings before sales to an unaffiliated customer in the United States will receive the respondent's deposit rate applicable to the order.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative reviews for all shipments of the subject merchandise entered, or withdrawn from warehouse,

for consumption on or after the date of publication, consistent with section 751(a)(1) of the Act: (1) The cash-deposit rates for the reviewed companies will be the rates shown above except that, for firms whose weighted-average margins are less than 0.5 percent and therefore *de minimis*, the Department shall not require a deposit of estimated antidumping duties; (2) for previously reviewed or investigated companies not listed above, the cash-deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash-deposit rate for all other manufacturers or exporters will continue to be the all-others rate for the relevant order made effective by the final results of review published on July 26, 1993. See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et al. Final Results of Antidumping Duty Administrative Reviews and Revocation in Part of an Antidumping Duty Order*, 58 FR 39729 (July 26, 1993). For ball bearings from Italy, see *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et al. Final Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews*, 61 FR 66471, 66521 (December 17, 1996). These rates are the all-others rates from the relevant LTFV investigation.

These deposit requirements shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: September 4, 2008.

David M. Spooner

Assistant Secretary for Import Administration.

Appendix

1. Zeroing of Negative Margins
2. Model-Matching Methodology
3. Collapsing and Successor in Interest
4. Inventory Carrying Costs
5. Calculation of Cost of Production/ Constructed Value and Use of AFA
6. Rate for Respondent Not Selected
7. Miscellaneous Issues
   A. 15–Day Issuance of Liquidation Instructions
   B. CEP Profit
   C. Decision Not to Verify JTEKT's and NTN's Cost Data
   D. BPI Treatment for Dumping Duties and Net Value of Sales
8. Clerical Errors

[FR Doc. E8–21137 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

The Manufacturing Council: Meeting

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of a meeting.

SUMMARY: The Manufacturing Council will hold a meeting to deliberate for approval a draft letter of recommendation on Sustainable Manufacturing metrics.

DATES: September 23, 2008.

Location: Rochester, NY.

Additional Information: A supplemental notice will be issued in the near future with the exact address and time of the meeting. The date and address will also be posted on the Council's Web site at *http://www.manufacturing.gov/council* as soon as they are available.

FOR FURTHER INFORMATION CONTACT: The Manufacturing Council Executive Secretariat, Room 4043, Washington, DC 20230 (Phone: 202–482–1369), or visit the Council's Web site at *http://www.manufacturing.gov/council*.

Dated: September 5, 2008.

Kate Sigler,

Executive Secretary, The Manufacturing Council.

[FR Doc. E8–21073 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Notice of Inventions Available for Licensing

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Inventions Available for Licensing.

SUMMARY: The inventions listed below are owned in whole or part by the U.S. Government, as represented by the Secretary of Commerce. The U.S. Government's interest in these inventions is available for licensing in accordance with 35 U.S.C. 207 and 37 CFR Part 404 to achieve expeditious commercialization of results of federally funded research and development.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on these inventions may be obtained by writing to: National Institute of Standards and Technology, Office of Technology Partnerships, Attn: Mary Clague, Building 222, Room A240, Gaithersburg, MD 20899. Information is also available via telephone: 301–975–4188, fax 301–975–3482, or e-mail: *mary.clague@nist.gov*. Any request for information should include the NIST Docket number and title for the invention as indicated below.

SUPPLEMENTARY INFORMATION: NIST may enter into a Cooperative Research and Development Agreement (''CRADA'') with the licensee to perform further research on the inventions for purposes of commercialization. The inventions available for licensing are:

[NIST Docket Number: 00–013US]

Title: Mode-Locked Pulsed Laser System and Method.

Abstract: The invention is a system and method for stabilizing the carrier-envelope phase of the pulses emitted by a femtosecond mode-locked laser by using the powerful tools of frequency-domain laser stabilization. Control of the pulse-to-pulse carrier-envelope phases was confirmed using temporal cross correlation. This phase stabilization locks the absolute frequencies emitted by the laser, which is used to perform absolute optical frequency measurements that were

directly referenced to a stable microwave clock.

[NIST Docket Number: 01–010US]

Title: Multistage Synchronization of Pulsed Radiation Sources.

Abstract: The invention is jointly owned by the Department of Commerce and University of Colorado. The ability to synchronize a passively-mode locked laser to an external reference, or to a second laser, has many applications. Previous work synchronizing two mode-locked ti:sapphire lasers has demonstrated timing jitters of at best a few hundred femtoseconds. Since it is now routinely possible to generate pulses with duration < 20 fs, improved techniques would make it possible to take full advantages of the available time resolution. This invention would allow to rigorously and robustly synchronize transform-limited pulse trains from separate mode-locked lasers with a timing jitter of < 15 fs.

[NIST Docket Number: 01–030US]

Title: Minimizing Spatial-Dispersion-Induced Birefringence.

Abstract: The invention concerns a method to eliminate or reduce the intrinsic birefringence in cubic crystals made from Group II fluorides.

[NIST Docket Number: 03–003US]

Title: High Spectral Purity Microwave Oscillator Design Using Air-Dielectric Cavity.

Abstract: The invention is jointly owned by the Department of Commerce and Total Frequency Inc. A high spectral purity microwave oscillator is provided. The oscillator uses an air-dielectric cavity and employs the known carrier-suppression technique. In one embodiment, the oscillator employs a high-Q cavity to self-sustain an oscillating sign formed by feeding back into its input a power-amplified output signal of the cavity in which residual phase noise in the amplifier stages is suppressed. A bandpass filter selects the cavity mode. Another embodiment suppresses the noise of a voltage-controlled oscillator whose frequency and power-amplified output interrogates the cavity mode.

[NIST Docket Number: 04–009US]

Title: Zig-Zag Shape Biased Anisotropic Magneto-Resistive Sensor.

Abstract: A magnetoresistive sensing apparatus is disclosed, comprising a magnetic film having a zig-zag shaped structure, a central axis, and a magnetization associated with the magnetic film, wherein the zig-zag shaped structure biases the magnetization direction alternately at positive and negative angles thereof, thereby permitting the magnetoresistive sensing apparatus to be sensitive to a magnetic field parallel to the axis of the magnetoresistive sensing apparatus and insensitive to magnetic fields perpendicular to the axis.

[NIST Docket Number: 04–017US]

Title: Doped $Gd_5Ge_2Si_2$ Compounds and Methods for Reducing Hysteresis Losses in $Gd_5Ge_2Si_2$ Compound.

Abstract: The invention provides an effective method for greatly reducing the large hysteresis losses that have been observed in the $Gd_5Ge_2Si_2$ magnetic refrigerant compound in the 270–320 K temperature range. The method consists of alloying the compound with a very small amount of either iron or other silicide-forming metal additive, such as manganese, cobalt, copper, or gallium. This small metal addition has the effect of reducing the large hysteretic losses by more than 90 percent and in some cases to nearly 100 percent.

[NIST Docket Number: 05–014US]

Title: System and Method for Holographic Optic Trap Bonding.

Abstract: The invention is jointly owned by the Department of Commerce and New York University. The invention is a method for bonding two or more objects using nanometer-scale to micrometer-scale adhesive particles manipulated and cured by optical tweezers, including holographic optical tweezers.

[NIST Docket Number: 05–015US]

Title: The Use of Adenine as a Method for Controlled Immobilization of Nucleic Acids and Their Analogs on Gold Surfaces.

Abstract: The invention is jointly owned by the Department of Commerce, Naval Research Laboratory, and University of Maryland. The invention provides for attaching nucleic acids to a surface at a controlled grafting density in a controlled conformation by contacting an immobilization solution of nucleic acids containing at least one block of adenine nucleotides to a surface for a sufficient period of time to allow attachment to the surface.

[NIST Docket Number: 05–018US]

Title: Mounting System for Optical Frequency Reference Cavities.

Abstract: The invention is jointly owned by the Department of Commerce and University of Colorado. A technique for reducing the vibration sensitivity of laser-stabilizing optical reference cavities is based upon an improved design and mounting method for the 5 cavity, wherein the cavity is mounted vertically. It is suspended at one plane, around the spacer cylinder, equidistant from the mirror ends of the cavity. The suspension element is a collar of an extremely low thermal expansion coefficient material, which surrounds the spacer cylinder and contacts it uniformly. Once the collar has been properly located, it is cemented in place so that the spacer cylinder 10 is uniformly supported and does not have to be squeezed at all. The collar also includes a number of cavities partially bored into its lower flat surface, around the axial bore. These cavities are support points, into which mounting base pins will be inserted. Hence the collar is supported at a minimum of three points.

[NIST Docket Number: 05–019US]

Title: Real Time, Active Picometer-Scale Alignment, Stabilization, and Registration in One or More Dimensions.

Abstract: The invention is jointly owned by the Department of Commerce and University of Colorado. The invention presents a widely applicable technique which enables two (or more) mechanically independent structures whose respective positions in three dimensional space can be maintained with sub-nanometer precision for long (>100 s) periods of time. The method is based on the scattering of laser light by one (or more) fiducial marks. One mark is coupled to each structure to be positioned, except in the case where a lens is one of the structures to be stabilized. The scattered light is collected in a photo-sensitive device which enables real-time high-bandwidth position-sensing of each structure. The method requires one of the structures to be mounted onto a precision (e.g., piezoelectrc) 2D or 3D translational stage. Signals generated by the scattered light field are used in a feedback loop to modulate the stage position.

[NIST Docket Number: 07–009]

Title: A New Approach to Contacting Nanowire Arrays Using Nanoparticles.

Abstract: The invention is jointly owned by the Department of Commerce and University of Maryland. A new approach towards electrically contacting the top of an aligned nanowire or nanotube array using a conductive nanoparticle film has been developed. Conducting nanoparticles are generated, charged and deposited onto the sample containing the nanowire or nanotube array within an electrostatic precipitator. The electric field enhancement from the tips of the nanowires (or nanotubes) is utilized to attract charged nanoparticles exclusively onto the top of the array. This approach is a non-destructive, generic scheme that may be extended to any aligned nanowire or nanotube array.

[NIST Docket Number: 07–011]

Title: Thermometer Based On Dielectric Electromagnetic Resonators.

Abstract: The invention provides a new and innovative sapphire whispering gallery thermometer (SWGT) that is very robust and resistant to mechanical shock. The intrinsic frequency temperature dependence of the synthetic sapphire permittivity, coupled with the ease of locating the resonant frequency of a high-Q resonator, allows for the use of a whispering gallery mode resonator as a thermometer rather than as a frequency source. The temporal stability of sapphire as the thermometry material provides excellent long-term thermometric reproducibility. Temperature sensitivity and stability of response, as exhibited by measurement uncertainty determination, of less than 10 mK have been demonstrated.

[NIST Docket Number: 07–012US]

Title: Length Separation of Carbon Nanotubes by Centrifugation in a Dense Liquid.

Abstract: The invention provides a method for separating carbon nanotubes by length. The processes involve forming highly dispersed systems of the nanotubes followed by creating an array of layers in a centrifugation vessel.

[NIST Docket Number: 07–013US]

Title: Microfluidic Passive Sorting and Storage of Liquid Plugs Using Capillary Force.

Abstract: A three-dimensional microfluidic device for passive sorting and storing of liquid plugs is provided with homogeneous surfaces from the exposure of a photopolymer through binary masking motifs, i.e., arrays of opaque pixels on a transparency mask. The device includes sub-millimeter three-dimensional relief microstructures to aid in the channeling of fluids. The microstructures have topographically modulated features smaller than 100 micrometers.

[NIST Docket Number: 07–014US]

Title: Fabrication Method of Topographically Modulated Microstructures Using Pattern Homogenization With UV Light.

Abstract: The invention consists of a photolithographic technique for the fabrication of microstructures with arbitrary topography, which utilizes UV light and a binary transparency mask designed to trigger a homogenization effect on a photopolymer.

Dated: September 4, 2008.

Richard F. Kayser,

Chief Scientist.

[FR Doc. E8–21155 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Manufacturing Extension Partnership Advisory Board

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Manufacturing Extension Partnership (MEP) Advisory Board, National Institute of Standards and Technology (NIST) will meet Wednesday, October 22, 2008, from 11 a.m. to 5 p.m. The MEP Advisory Board is composed of 10 members appointed by the Director of NIST who were selected for their expertise in the area of industrial extension and their work on behalf of smaller manufacturers. The Board was established to fill a need for outside input on MEP. MEP is a unique program consisting of centers across the United States and Puerto Rico, with partnerships at the state, federal, and local levels. The Board works closely with MEP to provide input and advice on MEP's programs, plans, and policies. For this meeting, discussions will focus on updates of MEP current key initiatives, MEP's next generation strategic plan and opportunities for MEP in emerging industries. The agenda may change to accommodate Board business.

DATES: The meeting will convene October 22, 2008 at 11 a.m. and will adjourn at 5 p.m. on October 22, 2008.

ADDRESSES: The meeting will be held at The Inn & Conference Center, University of Maryland University College, 3501 University Blvd E, Adelphi, Maryland 20783. Anyone wishing to attend this meeting should submit name, e-mail address and phone number to Susan Hayduk (*susan.hayduk@nist.gov* or 301–975–5615) no later than October 17, 2008.

FOR FURTHER INFORMATION CONTACT: Karen Lellock, Manufacturing Extension Partnership, National Institute of Standards and Technology, Gaithersburg, Maryland 20899–4800, telephone number (301) 975–4269.

Dated: September 2, 2008.

James M. Turner,

Deputy Director.

[FR Doc. E8–21148 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No: 080626784–81166–02]

Technology Innovation Program Extension of Due Date for Proposals

AGENCY: National Institute of Standards and Technology (NIST), United States Department of Commerce.

ACTION: Notice.

SUMMARY: Due to technical difficulties, NIST is extending the deadline for proposal submission for its Technology Innovation Program competition to 3 p.m. Eastern Time, Monday, September 15, 2008. NIST will accept only paper submissions during the extended time period.

DATES: Paper submissions must be received no later than 3 p.m. Eastern Time, Monday, September 15, 2008. Review, selection, and grant award processing is expected to be completed by early December 2008.

ADDRESSES: Paper submissions must be sent to the National Institute of Standards and Technology, 100 Bureau Drive, Stop 4701, Gaithersburg, MD 20899–4701.

FOR FURTHER INFORMATION CONTACT: Barbara Lambis via e-mail at *barbara.lambis@nist.gov* or telephone (301) 975–4447.

SUPPLEMENTARY INFORMATION: On July 15, 2008, the National Institute of Standards and Technology's (NIST) Technology Innovation Program (TIP) announced that it was soliciting high-risk, high reward research and development proposals for financial assistance (73 FR 40507). The due date for submission of all proposals was 3 p.m. Eastern Time, Thursday, September 4, 2008. Due to technical difficulties some proposers were unable to submit their proposals electronically on Thursday, September 4, 2008. In order to provide all interested parties the opportunity to submit a proposal for TIP, NIST is extending the solicitation period until 3 p.m. Eastern Time, Monday, September 15, 2008. Electronic proposals received between 3 p.m. and 11:59 p.m. Eastern Time on Thursday, September 4, 2008 will be deemed timely and given full consideration. Paper proposals received between 3 p.m. Eastern Time on Thursday, September 4, 2008 and September 11, 2008 will be deemed timely and given full consideration. During the extended solicitation period, NIST will accept only paper submissions. Proposers who attempted to submit electronic

proposals but were unsuccessful are encouraged to resubmit their proposals by paper. Paper submissions must be received by 3 p.m. Eastern Time, Monday, September 15, 2008. Please note that for paper submissions the Program requires one original and fifteen (15) copies of the proposal.

The proposal submission deadline applies to any mode of paper proposal delivery, including hand-delivery, courier, and express mailing, but not facsimile. Proposals submitted via facsimile will not be accepted. NIST will not make any allowances for late submissions. All TIP competition requirements and information announced in the July 15, 2008, **Federal Register** notice apply to proposals submitted during the extended time period with the exception of the review, selection, and award processing time that is now expected to be completed by early December 2008.

Executive Order 12372 (Intergovernmental Review of Federal Programs). Proposals under this program are not subject to Executive Order 12372.

Executive Order 13132 (Federalism). This notice does not contain policies with Federalism implications as defined in Executive Order 13132.

Executive Order 12866 (Regulatory Planning and Review). This notice is not a significant regulatory action under Sections 3(f)(3) and 3(f)(4) of Executive Order 12866, as it does not materially alter the budgetary impact of a grant program and does not raise novel policy issues. This notice is not an ''economically significant'' regulatory action under Section 3(f)(1) of the Executive Order, as it does not have an effect on the economy of $100 million or more in any one year, and it does not have a material adverse effect on the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

Administrative Procedure Act and Regulatory Flexibility Act. Prior notice and comment are not required under 5 U.S.C. 553, or any other law, for rules relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)). Because prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

Dated: September 9, 2008.

James M. Turner,

Deputy Director.

[FR Doc. E8–21328 Filed 9–9–08; 4:15 pm]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for the Gulf of the Farallones National Marine Sanctuary Advisory Council

AGENCY: National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The Gulf of the Farallones National Marine Sanctuary (Sanctuary) is seeking applicants for the following vacant seats on its Sanctuary Advisory Council (council): Conservation Primary; Conservation Alternate, and Community-at-Large Marin/Sonoma Alternate. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the sanctuary. Applicants who are chosen as members should expect to serve 2-3 year terms, pursuant to the council's Charter.

DATES: Applications are due by October 27, 2008.

ADDRESSES: Application kits may be obtained from *http://www.farallones.noaa.gov/manage/sac.html,* or Kelley Higgason, 991 Marine Dr., The Presidio, San Francisco, CA 94129. Completed applications should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Kelley Higgason, 991 Marine Dr., The Presidio, San Francisco, CA 94129, 415–561–6622 ext. 202, *kelley.higgason@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Sanctuary Advisory Council provides the Sanctuary Superintendent with advice on the management of the Sanctuary. Members provide advice to the Superintendent on issues affecting resource protection, the Sanctuary's primary purpose. The Council, through its members, serve as liaisons to the community regarding Sanctuary issues and act as a conduit, relaying the community's interests, concerns, and management needs to the Sanctuary. The Sanctuary Advisory Council members represent public interest groups, local industry, commercial and recreational user groups, academia, conservation groups, government agencies, and the general public. Members serve either two- or three-year terms in order to stagger Council membership and allow continuity.

Authority: 16 U.S.C. 1431, *et seq.*

(Federal Domestic Assistance Catalog Number 11.429, Marine Sanctuary Program)

Dated: September 4, 2008.

Daniel J. Basta,

Director, National Marine Sanctuary Program, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. E8–21021 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–NK–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XK33

Marine Mammals; File Nos. 13583 and 13599

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the following two entities have applied in due form for permits to conduct import marine mammal parts for scientific research purposes:

National Marine Mammal Laboratory (NMML, Dr. John Bengtson, Responsible Party), 7600 Sand Point Way NE, Seattle, WA 98115 (File No. 13583) and

National Ocean Service Marine Forensic Lab (NOS Lab, Julie Carter, Principal Investigator), 219 Fort Johnson Road, Charleston, SC 29412 (File No. 13599).

DATES: Written, telefaxed, or e-mail comments must be received on or before October 14, 2008.

ADDRESSES: The applications and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521 (File Nos. 13583 and 13599);

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907)586–7221; fax (907)586–7249; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727)824–5312; fax (727)824–5309.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427–2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 13583 or File No. 13599

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore (File Nos. 13583 and 13599), Kate Swails (File No. 13583) or Brandy Belmas (File No. 13599), (301)713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

File No. 13583: NMML conducts research on marine mammals important to the mission of the National Marine Fisheries Service (NMFS) and the National Oceanic and Atmospheric Administration (NOAA). NMML is requesting a renewal of Permit No. 782–1694 which authorizes collection of cetacean and pinniped (except for walrus) specimens from dead animals, and for import, export, and possession of specimens taken legally worldwide. Samples may be archived, transported, shared, and analyzed by researchers in order to optimize the amount of biological information gained from each animal. No takes of live animals would be authorized under this permit. There will be no non-target species taken incidentally under this permit because the permit would only cover import, export, and possession of samples from dead animals or live animals taken legally under other permits. A permit is requested for a five-year period.

File No.13599: The NOS Lab is requesting authorization to receive, import, export, transfer, archive, and conduct analyses of marine mammal and endangered species parts. The applicant is requesting all cetaceans, pinnipeds (except for walrus), sea turtles (in the water), smalltooth sawfish (Pristis pectinata), shortnose sturgeon (*Acipenser brevirostrum*) and white abalone (*Haliotis sorenseni*) under NMFS jursidiction to be included in this permit request. No live animal takes are being requested and no incidental harassment of animals would occur. Samples would be archived at the NOS Lab and used to support law enforcement actions, research studies (primarily genetics), and outreach education. A permit is requested for five years. In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: September 5, 2008.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E8–21124 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XK35

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council's (Council) Herring Oversight Committee will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday, September 30, 2008 at 9:30 a.m. and Wednesday, October 1, 2008 at 9 a.m.

ADDRESSES: The meeting will be held at the Eastland Park Hotel, 157 High Street, Portland, ME 04101; telephone: (207) 775–5411; fax: (207) 775–1066.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The items of discussion in the committee's agenda are as follows:

1. The Committee will continue development of recommendations for Council consideration in October regarding the specific management measures to be considered further in Amendment 4 to the Atlantic Herring Fishery Management Plan (FMP);

2. The agenda will include a discussion of management alternatives related to catch monitoring, including but not limited to: specific monitoring and reporting requirements for herring vessels and processors, observer coverage and at-sea monitoring, shoreside/dockside monitoring and sampling, vessel monitoring system (VMS) requirements, as well as other measures that were suggested for consideration during the scoping process;

3. Review and discuss preliminary analysis of river herring bycatch in the Atlantic herring fishery and comparison of portside and at-sea and observer bycatch information from the Atlantic herring fishery for selected species of interest from 2005–07; develop related recommendations as appropriate;

4. Review of information related to at-sea monitoring and observer coverage, which may include information about observer programs in other regions, industry-funded observer programs, applications for electronic monitoring, and cost comparisons; develop recommendations as appropriate;

5. Review and discuss proposed management measures to address herring bycatch concerns in the Atlantic mackerel fishery; develop recommendations as appropriate;

6. Address any other issues and develop recommendations related to Amendment 4 to the Herring FMP, possibly including annual catch limits (ACLs) and accountability measures (AMs), and individual and group quota

allocation programs (i.e., IFQs and sectors;

7. Develop Herring Committee recommendations regarding cooperative research priorities for the 2010 research set-aside (RSA) program.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 8, 2008.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E8–21094 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XK36

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council's (Council) Groundfish Oversight Committee will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Monday, September 29, 2008 at 9 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn, One Newbury Street, Route 1, Peabody, MA 01960; telephone: (978) 535–4600.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The items of discussion in the committee's agenda are as follows:

The Groundfish Oversight Committee will meet to continue development of Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP). Amendment 16 will adjust management measures as necessary to continue stock rebuilding. The Committee will finalize its recommendations for measures that will be analyzed in the draft amendment document. They will discuss measures for both the commercial and recreational components of the fishery at this meeting. This will include recommendations for rebuilding strategies and target fishing mortality rates as well as changes to measures that will achieve the targeted rates. The Committee may also review sector policies, the setting of annual catch limits, accountability measures, and other amendment alternatives. Committee recommendations will be presented to the New England Fishery Management Council at a later meeting.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 8, 2008.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E8–21095 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XK37

Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council's (Council) Coastal Pelagic Species (CPS) advisory bodies will hold meetings, which are open to the public, on October 7–9, 2008. The primary purpose of the meetings is to review the current Pacific sardine stock assessment update and draft terms of reference for the 2009 CPS stock assessment review process.

DATES: The Coastal Pelagic Species Management Team (CPSMT) and the Scientific and Statistical Committee's (SSC) CPS Subcommittee will meet in a joint session on Tuesday, October 7, 2008, from 8 a.m. until business for the day is completed. The CPSMT will hold a work session on Wednesday, October 8, 2008, from 8 a.m. until business for the day is completed. The Coastal Pelagic Species Advisory Subpanel (CPSAS) will meet Thursday, October 9, 2008, from 8 a.m. until business for the day is completed.

ADDRESSES: All meetings will be held in the Large Conference Room at the office of the Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384; telephone: (503) 820–2280.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Burner, Pacific Fishery Management Council; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The CPSMT, the SSC CPS Subcommittee, and the CPSAS will review the current Pacific sardine stock assessment update and the terms of reference for the 2009 CPS stock assessment reviews. The CPSMT and the CPSAS will also develop harvest guideline and management measure recommendations for the 2009 Pacific sardine fishery. The CPSMT and CPSAS will develop recommendations for Council consideration at the November 1–7, 2008, meeting in San Diego, CA, and address other issues relating to CPS

management, including current research on market squid, Pacific sardine, and the California Current Ecosystem, planning the 2009 review of Pacific sardine allocation, and implementation of the reauthorized Magnuson-Stevens Fishery Conservation and Management Act. No management actions will be decided by the CPSMT, the SSC CPS Subcommittee, or the CPSAS.

Although non-emergency issues not contained in the meeting agendas may be discussed, those issues may not be the subject of formal action during these meetings. Advisory body action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: September 8, 2008.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E8–21096 Filed 9–10–08; 8:45 am]

BILLING CODE 3510–22–S

COMMODITY FUTURES TRADING COMMISSION

Joint Audit Committee Operating Agreement

AGENCY: Commodity Futures Trading Commission.

ACTION: Request for comment.

SUMMARY: The Commodity Futures Trading Commission (''Commission'' or ''CFTC'') is publishing for public comment an agreement submitted by the Joint Audit Committee (''JAC'') for approval pursuant to Commission Regulation 1.52.[1] The JAC is a voluntary, cooperative organization comprised of representatives of the financial surveillance staff of designated contract markets (''DCMs'') and the National Futures Association (''NFA'') and was formed for the purpose of coordinating the monitoring and examination of common futures commission merchant (''FCM'') members of such entities. The agreement governs the operation of the JAC and the manner by which the JAC will coordinate and cooperate in examining and monitoring FCMs for compliance with Commission and self-regulatory organization (''SRO'') minimum financial and related reporting requirements. The JAC is submitting the agreement to replace the current operating agreement, which has been in effect since 1984.

DATE: Comments must be received on or before October 14, 2008.

ADDRESSES: Interested persons should submit their views and comments to David Stawick, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. In addition, comments may be sent by facsimile transmission to (202) 418–5521, or by electronic mail to *secretary@cftc.gov*. Reference should be made to ''Joint Audit Committee''. This document also will be available for comment at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Thomas J. Smith, Deputy Director and Chief Accountant, or Jennifer Bauer, Special Counsel, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, *jbauer@cftc.gov*, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Telephone (202) 418–5472.

SUPPLEMENTARY INFORMATION:

The Commodity Exchange Act[2] (''Act'') authorizes the Commission to adopt regulations imposing minimum financial and related reporting requirements upon FCMs. In this regard, Section 4f(b) of the Act authorizes the Commission to adopt regulations imposing minimum capital requirements upon FCMs. In addition, Section 4d of the Act requires FCMs to segregate from their own assets all money, securities, and property deposited by customers to margin, guarantee, or secure futures positions, and Section 4f(a)(1) of the Act authorizes the Commission to establish financial reporting requirements upon FCMs. Consistent with this authority, the Commission has adopted regulations addressing minimum financial and related reporting requirements for FCMs.[3]

The Act further imposes obligations upon DCMs and NFA to monitor FCMs for compliance with the minimum financial and related reporting requirements. Specifically, DCM Core Principle 11 requires a board of trade to establish and to enforce rules addressing the financial integrity of FCMs.[4] In addition, Section 17(p)(2) of the Act requires NFA to establish minimum capital, segregation, and other financial requirements for member FCMs and to implement a program to audit and to enforce compliance with such requirements. Minimum standards for an effective financial surveillance program are further set forth in interpretations issued by the Commission's Division of Trading and Markets.[5]

In 1984, a number of futures exchanges (now, DCMs) and NFA (collectively referred to as SROs) entered into a Joint Audit Agreement (''1984 Agreement''). The 1984 Agreement generally provides that an FCM that is a member of more than one SRO would have a single designated SRO (''DSRO''). The DSRO is primarily responsible for conducting periodic financial examinations, the results of which are shared with the other SROs of which the FCM is a member. The DSRO process is intended to enhance the effectiveness and efficiency of the SROs' financial surveillance function by avoiding unnecessary duplicative financial examinations of FCMs that are members of more than one SRO. This regulatory approach was endorsed by the Commission when it adopted Regulation 1.52, which permits DSROs to enter into cooperative agreements sharing financial surveillance oversight responsibilities for FCMs that are members of more than one SRO, provided that the oversight agreement is approved by the Commission after public notice and comment.[6]

[1] Commission regulations may be found at 17 CFR Ch. 1 (2008).

[2] 7 U.S.C. 1 *et seq.*

[3] For example, see Commission Regulation 1.17 for the minimum financial requirements for FCMs and introducing brokers (''IBs'') adopted by the Commission, and Commission Regulations 1.10 and 1.12 for monthly and annual financial reporting requirements and notice requirements, respectively.

[4] 7 U.S.C. 7(d)(11).

[5] *See* Division of Trading and Markets Financial and Segregation Interpretation No. 4–1—Advisory Interpretation for Self-Regulatory Organization Surveillance over Members' Compliance with Minimum Financial, Segregation, Reporting, and Related Recordkeeping Requirements, Comm. Fut. L. Rep. (CCH) ¶ 7114A (Jul. 29, 1985); and Division of Trading and Markets Financial and Segregation Interpretation No. 4–2—Risk-Based Auditing, Com. Fut. L. Rep. (CCH) ¶ 7114E (August 20, 1999).

[6] Regulation 1.52(g) states:

''After appropriate notice and opportunity for comment, the Commission may, by written notice, approve such a plan, or any part of the plan, if it finds that the plan, or any part of it: (1) Is necessary or appropriate to serve the public interest; (2) Is for the protection and in the interest of customers; (3) Reduces multiple monitoring and auditing for compliance with the minimum financial rules of the [SROs] submitting the plan for any [FCM or IB that] is a member of more than one [SRO]; (4) Reduces multiple reporting of the financial

In 2004, the SROs, through the JAC, submitted proposed amendments to the 1984 agreement to the Commission for approval. The Commission published the proposed amendments for public comment on April 12, 2004. The proposal, however, became linked to the Commission's study on the SRO process, which encompassed the topic of the general governance of SROs and the role of industry self-regulation.[7] The Commission completed its SRO governance study in 2007 with the adoption of a regulation providing acceptable practices under core principles for the composition of boards of directors of SROs.[8] However, the effectiveness of this regulation has been stayed,[9] and no final action was taken by the Commission with respect to the amendments proposed in 2004. The 1984 Agreement has remained in effect, and the JAC has continued its role of enabling the cooperative examination of member firms in the intervening time period.

The Commission has now received from the JAC a revised series of proposed amendments to the 1984 Agreement (''Proposed Agreement'') for which approval has been requested. In accordance with Regulation 1.52(g), the Commission is publishing this notice to request public comment on the Proposed Agreement before taking action to approve or to deny approval of the Proposed Agreement.

The Proposed Agreement includes provisions addressing JAC governance procedures and voting rights, membership criteria, information sharing arrangements, and DSRO designation criteria. The Proposed Agreement differs in several material respects from the revisions published for comment in 2004, and many comments received in 2004 were related to provisions which are no longer applicable in the Proposed Agreement. In addition, in the intervening period of four years commenters may have changed their positions from those previously communicated. Therefore, the Commission will not consider the comments submitted in response to the 2004 request for comments in assessing whether the Proposed Agreement satisfies the requirements of Regulation 1.52(g). Accordingly, any person wishing to comment on the Proposed Agreement should submit a comment letter.

The Commission invites comment on the Proposed Agreement, particularly with respect to the ability of the DSRO system to continue to serve the public interest, reduce duplicative reporting and examination burdens on FCMs, strengthen customer protections, and foster cooperation and coordination among DCMs.

The 1984 Agreement, Commission letter approving the 1984 Agreement, and the Proposed Agreement are available on the Commission's Web site at *http://www.cftc.gov* upon the issuance of this notice by the Commission. Copies of these documents also may be obtained from the Office of the Secretariat, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581.

Issued in Washington, DC on September 8, 2008, by the Commission.

David Stawick,

Secretary of the Commission.

[FR Doc. E8–21114 Filed 9–10–08; 8:45 am]

BILLING CODE 6351–01–P

information necessitated by such minimum financial and related reporting requirements by any [FCM or IB that] is a member of more than one [SRO]; (5) Fosters cooperation and coordination among the contract markets; and (6) Does not hinder the development of a registered futures association under [S]ection 17 of the Act.''

[7] One of the comments received with respect to the proposed amendments published in 2004 was from the Futures Industry Association (''FIA''), dated June 18, 2004, which stated that the FIA's comments may change based on the results of the Commission's SRO study and that any action taken with respect to the proposed amendments to the JAC agreement should be deferred until the completion of the SRO study.

[8] 72 FR 6936 (February 14, 2007).

[9] *See* 72 FR 65658 (November 23, 2007).

COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974; System of Records

AGENCY: Commodity Futures Trading Commission (CFTC).

ACTION: Proposed routine use; request for public comment.

SUMMARY: The CFTC proposes to adopt a new routine use that would permit disclosure of CFTC records governed by the Privacy Act when reasonably necessary to respond and prevent, minimize, or remedy harm that may result from an agency data breach or compromise.

DATES: The deadline for public comments is October 14, 2008. Comments received after that date will be considered at the CFTC's discretion.

ADDRESSES: Interested parties are invited to submit written comments. Reference should be made to ''Privacy Act of 1974; System of Records.'' Comments should be mailed or delivered to: Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, Attention: Office of the Secretariat. Comments may be sent by facsimile to 202.418.5521, or by e-mail to *secretary@cftc.gov*.

FOR FURTHER INFORMATION CONTACT: Gail Scott, Attorney, CFTC, Office of General Counsel, 1155 21st Street, NW., Washington, DC 20581, 202–418–5139, *gscott@cftc.gov*.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, and as recommended in the Office of Management and Budget Memorandum M–07–16 (Attachment 2), this document provides public notice that the CFTC is proposing to adopt a new ''routine use'' that will apply to all CFTC records systems covered by the Privacy Act of 1974. The Act applies to agency systems of records about individuals that the agency maintains and retrieves by name or other personal identifier, such as its personnel and payroll systems and certain other CFTC records systems. A list of the agency's current Privacy Act systems of records can be viewed on the CFTC's Web site at: *http://www.cftc.gov/lawandregulation/federalregister/systemsofrecords/index.htm*. The new routine use would be added to the section General Statement of Routine Uses, which describes routine uses that apply globally to all CFTC Privacy Act records systems.

This new routine use is needed in order to allow for disclosure of records to appropriate persons and entities for purposes of response and remedial efforts in the event of a breach of data contained in the protected systems. This routine use will facilitate an effective response to a confirmed or suspected breach by allowing for disclosure to individuals affected by the breach, in cases, if any, where such disclosure is not otherwise authorized under the Act. This routine use will also authorize disclosures to others who are in a position to assist in response efforts, either by assisting in notification to affected individuals or otherwise playing a role in preventing, minimizing, or remedying harms from the breach.

The Privacy Act authorizes the agency to adopt routine uses that are consistent with the purpose for which information is collected and subject to that Act. 5 U.S.C. 552a(b)(3); *see also* 5 U.S.C. 552a(a)(7). The CFTC believes that it is consistent with the collection of information pertaining to such individuals to disclose Privacy Act records when, in doing so, it will help prevent, minimize or remedy a data breach or compromise that may affect such individuals. By contrast, the CFTC believes that failure to take reasonable

steps to help prevent, minimize the harm that may result from such a breach or compromise would jeopardize, rather than promote, the privacy of such individuals. Accordingly, the Commission concludes that it is authorized under the Privacy Act to adopt a routine use permitting disclosure of Privacy Act records for such purposes.

In accordance with the Privacy Act, see 5 U.S.C. 552a(e)(4) and (11), the CFTC is publishing notice of this routine use and giving the public a 30-day period to comment before adopting it as final. The CFTC is also providing at least 40 days advance notice of this proposed system notice amendment to OMB and the Congress, as required by the Act, 5 U.S.C. 552a(r), and OMB Circular A–130, Revised, Appendix I. We note that the text of this routine use is taken from the routine use that has already been published in final form by the Department of Justice after public comment. *See* 72 FR 3410 (Jan. 25, 2007). Similarly, after taking into account comments, if any, received by the CFTC, the CFTC intends to publish its proposed routine use as final after the period for OMB and Congressional review is complete, including whatever revisions may be deemed appropriate or necessary, if any.

Accordingly, the CFTC hereby proposes to amend the section General Statement of Routine Uses of its Privacy Act system notices, as published at 66 FR 41842, by adding the following new routine use at the end of the existing routine uses set forth in that Appendix:

* * * * *

To appropriate agencies, entities, and persons when (1) the CFTC suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the CFTC has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the CFTC or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the CFTC's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

By direction of the Commission on September 8, 2008.

David A. Stawick,

Secretary of the Commission.

[FR Doc. E8–21116 Filed 9–10–08; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Closed Meeting of the Defense Policy Board Advisory Committee

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Defense Policy Board Advisory Committee announced a closed session in the **Federal Register** on August 22, 2008 (73 FR 49652). This notice is being published to announce a change in the meeting times. The Defense Policy Board Advisory Committee will now meet on September 25, 2008 from 0800 until 1930 and September 26, 2008 from 0800 until 1500.

Dated: September 3, 2008.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E8–21101 Filed 9–10–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Missile Defense Advisory Committee Closed Meeting

AGENCY: Department of Defense; Missile Defense Agency (MDA).

ACTION: Notice of closed meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) and the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended) and 41 CFR 102–3.150, the Department of Defense announces the following Federal advisory committee meeting of the Missile Defense Advisory Committee.

DATES: Tuesday, September 16, 2008 (8 a.m. to 3 p.m.)

ADDRESSES: 7100 Defense Pentagon, Washington, DC 20301–7100. Security clearance and visit requests are required for access.

FOR FURTHER INFORMATION CONTACT: Mr. Al Bready, Designated Federal Officer at *mdac@mda.mil*, phone/voice mail 703–695–6438, or mail at 7100 Defense Pentagon, Washington, DC 20301–7100.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: At this meeting, the Committee will receive classified briefings by Missile Defense Agency senior staff, Program Managers, senior Department of Defense leaders, representatives from industry and the Services on the policy, technical, and programmatic aspects of developing and deploying space-based sensors and interceptors that could provide for the defense of the U.S. Homeland, deployed forces, allies, friends from ballistic missile attack; and countering adversary space systems and ASAT systems.

Agenda: Topics tentatively scheduled for classified discussion include, but are not limited to MDA Space Architecture Study, External Sensors Lab, Space-Based Surveillance System, and Space Control.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155, the Missile Defense Agency has determined that the meeting shall be closed to the public. The Director, Missile Defense Agency, in consultation with the Missile Defense Agency Office of General Counsel, has determined in writing that the public interest requires that all sessions of the committee's meeting will be closed to the public because they will be concerned with classified information and matters covered by section 5 U.S.C. 552b(c)(1).

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the membership of the Missile Defense Advisory Committee about its mission and functions. Written statements may be submitted at any time or in response to the stated agenda of a planned meeting of the Missile Defense Advisory Committee.

All written statements shall be submitted to the Designated Federal Officer for the Missile Defense Advisory Committee, in the following formats: One hard copy with original signature and one electronic copy via e-mail (acceptable file formats: Adobe Acrobat PDF, MS Word or MS PowerPoint), and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Designated Federal Officer is as stated below and can also be obtained from the GSA's Federal Advisory Committee Act Database—*https://www.fido.gov/facadatabase/public.asp*.

Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at the

address listed at least five calendar days prior to the meeting which is the subject of this notice. Written statements received after this date may not be provided to or considered by the Missile Defense Advisory Committee until its next meeting. The Designated Federal Officer will review all timely submissions with the Missile Defense Advisory Committee Chairperson and ensure they are provided to all members of the Missile Defense Advisory Committee before the meeting that is the subject of this notice.

Committee's Designated Federal Officer: Mr. Al Bready, *mdac@mda.mil*, phone/voice mail 703–695–6438, or mail at 7100 Defense Pentagon, Washington, DC 20301–7100.

Dated: September 3, 2008.

Patricia L. Toppings,

OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. E8–21100 Filed 9–10–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

U.S. Nuclear Command and Control System Comprehensive Review Advisory Committee

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. paragraph 552b, as amended), and 41 CFR 102–3.150, the Department of Defense announces the following Federal Advisory Committee of the U.S. Nuclear Command and Control System Comprehensive Review Advisory Committee.

DATES: October 7, 2008 (0800–1700) and October 8, 2008 (0800–1600).

ADDRESSES: Kirtland AFB, NM and Pantex Facility, Amarillo, TX.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Jones, (703) 681–8681, U.S. Nuclear Command and Control System Support Staff (NSS), Skyline 3, 5201 Leesburg Pike, Suite 500, Falls Church, Virginia 22041.

SUPPLEMENTARY INFORMATION: *Purpose of the Meeting:* The purpose of this meeting is to conduct administrative functions necessary for completing establishment of the U.S. Nuclear Command and Control System Federal Advisory Committee and to provide an overview of nuclear warhead design, management, transport, and associated processes, facilities and capabilities.

Agenda: Oct 7, 2008 ABQ/Kirtland AFB—Warhead/Weapon Systems.

Time	Topic	Presenter
8 a.m.	Badging for KUMMSC.	
8:45 a.m.	Administrative Remarks	CAPT Budney, NSS
9 a.m.	Nuclear Weapon design	NNSA
9:30 a.m.	POG Process	NNSA
9:45 a.m.	Break.	
10 p.m.	Report on Stockpile Assessment Process	NNSA, DoD
10:30 a.m.	PNAF Capabilities and Status	4AS, McChord, AFB
11 a.m.	OST Facilities Tour	NNSA/OST
11:30 a.m.	Unauthorized Launch Analysis & Unauthorized Use Analysis process	AF Safety Ctr/NNSA
12 p.m.	Working Lunch.	
1:30 p.m.	Break—Bus to KUMMSC.	
1:45 p.m.	KUMMSC Tour.	
5 p.m.	Depart for Amarillo, TX.	

Oct 8, 2008 Amarillo, TX (Pantex Plant)—Warhead/Weapon Systems.

Time	Topic	Presenter
8 a.m.	Arrive at Pantex/Facility Tour.	
11 p.m.	Lunch.	
12 p.m.	DOE Stockpile Stewardship Program	NNSA/ Labs
12:30 p.m.	Stockpile Modernization Plans	NNSA
1 p.m.	Use control	NNSA
1:30 p.m.	Responsive Infrastructure	NNSA
1:45 p.m.	Break.	
2 p.m.	Accident/Incident	DTRA
2:30 p.m.	DOE Personnel expertise issues	NNSA
3 p.m.	Executive Session.	
4 p.m.	Adjourn.	

Pursuant to 5 U.S.C. paragraph 552b, as amended, and 41 CFR paragraph 102–3.155, the Department of Defense has determined that the meeting shall be closed to the public. The Director, U.S. Nuclear Command and Control System Support Staff, in consultation with his General Counsel, has determined in writing that the public interest requires that all sessions of the committee's meeting will be closed to the public because they will be concerned with classified information and matters covered by section5 U.S.C. paragraph 552b(c)(1).

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements at any time to the Nuclear Command and Control System Federal Advisory Committee about its mission

and functions. All written statements shall be submitted to the Designated Federal Officer for the Nuclear Command and Control System Federal Advisory Committee. He will ensure that written statements are provided to the membership for their consideration. Written statements may also be submitted in response to the stated agenda of planned committee meetings. Statements submitted in response to this notice must be received by the Designated Federal Official at least five calendar days prior to the meeting which is the subject of this notice. Written statements received after that date may not be provided or considered by the Committee until its next meeting. All submissions provided before that date will be presented to the committee members before the meeting that is subject of this notice. Contact information for the Designated Federal Officer is listed below.

Committee's Designated Federal Officer: Mr. William L. Jones, (703) 681–1924, U.S. Nuclear Command and Control System Support Staff (NSS), Skyline 3, 5201 Leesburg Pike, Suite 500, Falls Church, Virginia 22041. *William.jones@nss.pentagon.mil.*

Dated: September 3, 2008.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E8–21091 Filed 9–10–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Membership of the Performance Review Board

AGENCY: Department of Defense, Missile Defense Agency (MDA).

ACTION: Notice.

SUMMARY: This notice announces the appointment of the members of the Performance Review Board (PRB) of the Missile Defense Agency (MDA). The publication of PRB membership is required by 5 U.S.C. 4314(c) (4).

The PRB provides fair and impartial review of Senior Executive Service performance appraisals and makes recommendations regarding performance ratings and performance scores to the Director, MDA.

DATES: *Effective Date:* September 1, 2008

FOR FURTHER INFORMATION CONTACT: Sandy Rawdon, MDA SES Program Manager, Missile Defense Agency, Arlington, VA, (703) 693–1575.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following executives are appointed to the MDA PRB:

Major General Patrick J. O'Reilly, USA,
Mr. David Altwegg,
Mr. Keith Englander,
Ms. Patty Gargulinski,
RADM Alan Hicks, USN.

Executives listed will serve a one-year term, effective September 1, 2008.

Dated: September 3, 2008.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E8–21098 Filed 9–10–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2008–OS–0102]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice to delete a system of records.

SUMMARY: The Defense Logistics Agency is deleting a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on October 14, 2008 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Jody Sinkler at (703) 767–5045.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Defense Logistics Agency proposes to delete a system of records notice from its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The proposed deletion is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: September 3, 2008.

Patricia Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

S400–50–CA

SYSTEM NAME:

Family Support Program Volunteer Files (November 16, 2004, 69 FR 67112).

REASON:

Records were incorporated into S400.20, Day Care Facility Registrant and Applicant Records, published August 29, 2008 (73 FR 50949).

[FR Doc. E8–21099 Filed 9–10–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2008–OS–0101]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to amend a system of records notice.

SUMMARY: The Office of the Secretary of Defense is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on October 14, 2008 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Office of Freedom of Information, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Mrs. Cindy Allard at (703) 588–2386.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record systems being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: September 3, 2008.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

DMDC 10

SYSTEM NAME:

Defense Biometric Identification System (DBIDS) (February 19, 2008, 73 FR 9100).

CHANGE:

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with ''Discontinue records on deactivation or confiscation of card. Delete data when 3–5 years old or when no longer needed for security purposes. Destroy by shredding or incineration as appropriate.''

* * * * *

DMDC 10

SYSTEM NAME:

Defense Biometric Identification System (DBIDS).

SYSTEM LOCATION:

Defense Manpower Data Center, 400 Gigling Road, Seaside, CA 93955–6771. For a list of backup locations, contact the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, Reserve, and Guard personnel from the Armed Forces and their family members; retired Armed Forces personnel and their families; DoD and non-DoD employees and dependents, U.S. residents abroad, foreign nationals and corporate employees and dependents who have access to U.S. installations in the continental U.S. and overseas.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes personal data to include name, grade, Social Security Number, status, date and place of birth, weight, height, eye color, hair color, gender, passport number, country of citizenship, geographic and electronic home and work addresses and telephone numbers, marital status, fingerprints, photographs, iris scans, hand geometry template and identification card issue and expiration dates. The system also includes vehicle information such as manufacturer, model year, color and vehicle type, vehicle identification number (VIN), license plate type and number, decal number, current registration, automobile insurance data, and driver's license data. The system also contains data on government-issued and personal weapons such as type, serial number; manufacturer, caliber, firearm registration date, and storage location data to include unit, room, building, and phone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 Departmental regulations; 10 U.S.C. 113, Secretary of Defense, Note at Pub. L. 106–65; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 18 U.S.C. 1029, Fraud and related activity in connection with access devices; 18 U.S.C. 1030, Fraud and related activity in connection with computers; 40 U.S.C. Chapter 25, Information technology management; 50 U.S.C. Chapter 23, Internal Security; Pub. L. 106–398, Government Information Security Act; Pub. L. 100–235, Computer Security Act of 1987; Pub. L. 99–474, Computer Fraud and Abuse Act; E.O. 12958, Classified National Security Information as amended by E.O. 13142 and 13292; E.O. 10450, Security Requirements for Government Employees; and E.O. 9397 (SSN).

PURPOSE(S):

To support DoD physical security and access control programs, the information assurance program, used for identity verification purposes, to record personal property registered with the Department, and for producing installation management reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the OSD compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

Retrieved primarily by name, Social Security Number (SSN), vehicle identifiers, or weapon identification data. However, data may also be retrieved by other data elements such as passport number, photograph, fingerprint data, and similar elements in the database.

SAFEGUARDS:

Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry is restricted by the use of locks, guards, and administrative procedures. Access to personal information is limited to those who require the records in the performance of their official duties, and to the individuals who are the subjects of the record or their authorized representatives. Access to personal information is further restricted by the use of unique logon and passwords, which are changed periodically.

RETENTION AND DISPOSAL:

Discontinue records on deactivation or confiscation of card. Delete data when 3–5 years old or when no longer needed for security purposes. Destroyed by shredding or incineration as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington VA 22209–2593,

Deputy Director, Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955–6771.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Privacy Act Officer, Office of Freedom of Information, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

Written requests should contain the full name, Social Security Number (SSN), date of birth, and current address and telephone number of the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Privacy Act Officer, Office of Freedom of Information, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

Written requests should contain the full name, Social Security Number (SSN), date of birth, and current address and telephone number of the individual.

CONTESTING RECORDS PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the Privacy Act Officer, Office of Freedom of Information, Washington Headquarters

Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

RECORD SOURCE CATEGORIES:

Data is collected from existing DoD databases, the Military Services, DoD Components, and from the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E8–21104 Filed 9–10–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2008–OS–0103]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice for a new system of records.

SUMMARY: The Office of the Secretary of Defense is adding a new system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on October 14, 2008, unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Office of Freedom of Information, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Mrs. Cindy Allard at (703) 588–2386.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, were submitted on September 1, 2008 to the House Committee on Government Oversight and Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: September 3, 2008.

Patricia Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

DHA 18

SYSTEM NAME:

Human Research Protection Program (HRPP) Records.

SYSTEM LOCATION:

Office of the Under Secretary of Defense (Personnel and Readiness), Human Research Protection Program, Force Health Protection and Readiness Programs, 5113 Leesburg Pike, Four Skyline Place, Suite 901, Falls Church, VA 22041–3206.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have requested approval from the Office of the Under Secretary of Defense (Personnel and Readiness) to engage in or to conduct research involving human participants and individuals responsible for the review, approval and oversight of such research.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, address, email, telephone, resumes and training status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 980, Limitations on use of humans as experimental subjects; 32 CFR 219, Protection of Human Subject; 45 CFR Part 46, Protection of Human Subjects, Department of Health and Human Services; and DoD Directive 3216.02, Protection of Human Subjects and adherence to Ethical Standards in DoD Supported Research.

PURPOSE(S):

To maintain a case file for use by Office of the Under Secretary of Defense (Personnel and Readiness) management concerning any research protocol. This system will permit identification, tracking and oversight of authorized research procedures and track the individual researchers and reviewers involved in the process. The purpose of tracking individuals is to ensure that everyone engaged in the performance or oversight of research is properly trained and qualified.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 522a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 522a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

Individual's name.

SAFEGUARDS:

Access is provided on a need-to-know basis and to authorized authenticated personnel only. Security layers are in place to protect the software applications. Records are maintained in a secured area. Computer terminal access is controlled by password. Password authorization and monitoring are the responsibility of the system managers.

RETENTION AND DISPOSAL:

Delete/destroy 10 years after completion or termination of the research protocol (coincides with the term of the research). Records are burned and/or shredded.

SYSTEM MANAGER(S) AND ADDRESS:

Program Manager, Office of the Under Secretary of Defense (Personnel and Readiness) , Human Research Protection Program, Force Health Protection and Readiness Programs, Four Skyline Place, Suite 901, 5113 Leesburg Pike, Falls Church, VA 22041–3206.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Program Manager, Office of the Under Secretary of Defense (Personnel and Readiness) Human Research Protection Program, Force Health Protection and Readiness Programs, Four Skyline Place, Suite 901, 5113 Leesburg Pike Falls Church, VA 22041–3206.

Requests should contain the full name of the individual, current address, telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the OSD/JS FOIA Requester Service Center, 1155 Defense Pentagon, Washington, DC 20301–1155.

Requests must include the name and number of this system of record notice, individual's name and address, and must be signed.

CONTESTING RECORD PROCEDURES:

The Office of the Secretary of Defense (OSD) rules for accessing records, for contesting contents, and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E8–21105 Filed 9–10–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2008–OS–0104]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notice to add a system of records.

SUMMARY: The Office of the Secretary of Defense proposes to add a system of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action would be effective without further notice on October 14, 2008, unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to Chief, OSD/JS Privacy Office, Freedom of Information Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Allard at (703) 588–6830.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on September 2, 2008, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: September 3, 2008.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

DHRA 07

SYSTEM NAME:

National Language Service Corps Pilot Records.

SYSTEM LOCATION:

National Security Education Program, 1101 Wilson Blvd, Suite 1210, Arlington VA 22209–2248.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who participate in the National Language Service Corps pilot program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, date of birth, foreign language(s) spoken, foreign language proficiency levels, English proficiency levels, home address, city, state, e-mail address, telephone number, and education level.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 131, Office of the Secretary of Defense; DoD Directive 5124.2, Under Secretary of Defense for Personnel and Readiness; and 50 U.S.C. 403–1b (note), War and National Defense.

PURPOSE(S):

To allow U.S. citizens with language and special skills to self-identify these skills for the purpose of temporary employment on an intermittent work schedule or service opportunities in the Federal or State government during periods of national need or emergency. The information will be used to identify and contact NLSC Charter Members in times of need.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To federal government agencies requesting emergency language support to facilitate U.S. efforts on the war on terrorism or in furtherance of national security objectives.

The DoD 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

By individual's name or home address.

SAFEGUARDS:

Access to personal information is restricted to NLSC employees who require the records in the performance of their official duties. Access to personal information is further restricted by the use of passwords that are changed periodically. Physical entry is restricted by the use of locks, guards at the facility hosting the web portal, and administrative procedures.

RETENTION AND DISPOSAL:

Disposition pending (until the National Archives and Records Administration have approved the retention and disposition of these records): treat records as permanent.

SYSTEM MANAGER(S) AND ADDRESSES:

Director, National Security Education Program, 1101 Wilson Blvd, Suite 1210, Arlington, VA 22209–2248.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the OSD/JS FOIA Requester Service Center, Office of Freedom of Information, 1155 Defense Pentagon, Washington, DC 20301–1155.

Written requests should contain the full name, current home address, and signature, along with the ID number of this system of record notice.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the OSD/JS FOIA Requester Service Center, Office of Freedom of Information, 1155 Defense Pentagon, Washington, DC 20301–1155.

Written requests should contain the full name, current home address, and signature, along with the ID number of this system of record notice.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are contained in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E8–21106 Filed 9–10–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2008–OS–0105]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to amend a system of records notice.

SUMMARY: The Office of the Secretary of Defense is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on October 14, 2008 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Office of Freedom of Information, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Mrs. Cindy Allard at (703) 588–2386.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record systems being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: September 3, 2008.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

DWHS P27

SYSTEM NAME:

Department of Defense (DOD) Pentagon Building Pass File (December 29, 2005, 70 FR 77152).

CHANGES:

SYSTEM IDENTIFICATION:

Delete entry and replace with ''DPFPA 01.''

* * * * *

DPFPA 01

SYSTEM NAME:

Department of Defense (DOD) Pentagon Building Pass File.

SYSTEM LOCATION:

Pentagon Force Protection Agency, Security Services Directorate, Pentagon Access Control Division, 9000 Defense Pentagon, Washington, DC 20301–9000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Department of Defense military or civilian employee sponsored by the Department of Defense, or other persons who have reason to enter the Pentagon for official Department of Defense business, and who therefore require an entry pass.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, sponsoring office of the Department of Defense and activities serviced by Washington Headquarters Services (WHS), sex, height, weight, date, place of birth, Social Security Number (SSN), race, citizenship, and access investigation completion date, access level, previous pass issuances, authenticating official, total personnel from all sites, and audit counts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; DoD 5105.68, Pentagon Force Protection Agency; and E.O. 9397 (SSN).

PURPOSE(S):

To maintain a listing of personnel who are authorized a DoD Pentagon Building Pass or access to the Pentagon.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows: The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

By individual's name, Social Security Number (SSN) and pass number.

SAFEGUARDS:

Records are maintained in secure, limited access, or monitored areas. Database is monitored and access is password protected. Physical entry by unauthorized persons is restricted through the use of locks, guards, passwords, or other administrative procedures. Access to personal information is limited to those individuals who require the records to perform their official assigned duties.

RETENTION AND DISPOSAL:

Identification credentials including cards, badges, parking permits, photographs, agency permits to operate motor vehicles, and property, dining room and visitors passes, and other identification credentials. Destroy credentials 3 months after return to issuing office. Destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Pentagon Force Protection Agency, Security Services, Security Services Directorate, Pentagon Access Control Division, Room 1F1084, 9000 Defense Pentagon, Washington, DC 20301–9000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Pentagon Force Protection Agency, Security Services, Security Services Directorate, Pentagon Access Control Division, Room 1F1084, 9000 Defense Pentagon, Washington, DC 20301–9000.

Written requests should contain the full name, Social Security Number (SSN), date of birth, and current address and telephone number of the individual.

Individuals should provide the name and number of this system of records notice so that your request can be tasked to the appropriate OSD/JS office.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to OSD/JS ROIA Requester Service Center, Office of the Freedom of Information, Washington Headquarters, 1155 Defense Pentagon, Washington, DC 20301–1155.

Written requests should contain the full name, Social Security Number (SSN), date of birth, and current address and telephone number of the individual.

Individuals should provide the name and number of this system of records notice so that your request can be tasked to the appropriate OSD/JS office.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E8–21108 Filed 9–10–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972, (5 U.S.C. Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.65, the Department of Defense gives notice that it is renewing the charter for the Board of Visitors of the U.S. Air Force Academy (hereafter referred to as the Board).

The Board is a non-discretionary federal advisory committee established by the Secretary of Defense to provide the Department of the Air Force, Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives independent advice and recommendations on all matters relating to the U.S. Air Force Academy, to include but not limited to morale, discipline, and social climate, the curriculum, instruction, physical equipment, fiscal affairs, academic methods and other matters relating to the Academy that the Board decides to consider. The Board, in accomplishing its mission: (a) Provided sound leadership and unwavering loyalty, and dedication to the Academy's mission; (b) provided insightful perspectives which were instrumental in establishing a renewed spirit and cultural change; (c) improved the quality and character of incoming cadets, by developing a Character and Leadership Capacity Assessment; and (d) provided advice, views, and recommendations on USAFA mission, faculty enhancement, physical and financial improvements to the USAFA facility, curriculum enhancements, increased cultural diversity among the staff and cadet population, more effective utilization of the Congressional Nomination Process, enhancement of USAFA's Strategic Vision, and increased Cadet empowerment in cadet related activities/issues.

Pursuant to 10 U.S.C. 9355(a) and (b)(2), the Board members shall be composed of 15 members: (1) Six persons designated by the President, at least two of whom shall be graduates of the Academy; (2) The chairperson of the Committee on Armed Services of the House of Representatives, or his designee; (3) Four persons designated by the Speaker of the House of Representatives, three of whom shall be members of the House of Representatives and the fourth of whom may not be a member of the House of Representatives; (4) The chairperson of the Committee on Armed Services of the Senate, or his designee; and (5) Three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate.

Board members appointed by the Secretary of Defense, who are not federal officers or employees, shall serve as Special Government employees and shall be appointed as experts and consultants under the authority of 5 U.S.C. 3109 and with the exception of travel and per diem for official travel, shall serve without compensation, unless otherwise authorized by the Secretary of Defense.

Board Members designated by the President shall serve for three years except that any Member whose term of office has expired shall continue to serve until a successor is appointed. In addition, the President shall designate persons each year to succeed the Members whose terms expire that year. Each of the additional nine board members serves a minimum term of one year, and may continue to serve until a successor is appointed. The board Members shall select the Board chairperson and Vice Chairperson from the total membership. The Chairperson and Vice Chairperson shall serve for a period of one year commencing with the beginning of the following calendar year and until their re-election or the election of their successors.

If a member of the Board dies or resigns or is terminated as a member of the Board, a successor shall be designated for the unexpired portion of the term by the official who designated the member. If a member of the Board fails to attend two successive Board meetings, except in a case in which an absence is approved in advance for good cause by the Board chairperson, such failure shall be grounds for termination from membership on the Board. Termination of membership on the Board pursuant to 10 U.S.C. 9355(c)(2), shall in the case of a member of the Board who is not a member of Congress, may be made by the Board chairperson; and in the case of a member of the Board who is a member of Congress, may be made only by the official who designated the member. When a member of the Board is subject to termination from membership on the Board under this absenteeism provision, the Board chairperson shall notify the official who designated the member. Upon receipt of such a notification with respect to a member of the Board who is a member of Congress, the official who designated the member shall take such action as that official considers appropriate.

The Board shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976, and other appropriate federal regulations.

Such subcommittees or workgroups shall not work independently of the chartered Board, and shall report all their recommendations and advice to the Board for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Board nor can they report directly to the Department of Defense or any federal officers or employees who are not Board members.

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Deputy Committee Management Officer for the Department of Defense, 703–601–6128.

SUPPLEMENTARY INFORMATION: The Board shall meet at the call of the Board's Designated Federal Officer, in consultation with the Board's chairperson. The Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. The Designated Federal Officer or duly appointed

Alternate Designated Federal Officer shall attend all Board meetings and subcommittee meetings.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to the Board of Visitors of the U.S. Air Force Academy membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Board of Visitors of the U.S. Air Force Academy.

All written statements shall be submitted to the Designated Federal Officer for the Board of Visitors of the U.S. Air Force Academy, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Board of Visitors of the U.S. Air Force Academy's Designated Federal Officer can be obtained from the GSA's FACA Database—*https://www.fido.gov/facadatabase/public.asp*.

The Designated Federal Officer, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Board of Visitors of the U.S. Air Force Academy. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

September 3, 2008.

Patricia L. Toppings,

OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. E8–21088 Filed 9–10–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972, (5 U.S.C. Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.65, the Department of Defense gives notice that it is renewing the charter for the Board on Coastal Engineering Research (hereafter referred to as the Board).

The Board is a non-discretionary Federal advisory committee established by the Secretary of Defense to provide the Department of Defense, the Coastal Engineering Research Center, the Chief of Engineers, and the U.S. Army Corps of Engineers independent advice and recommendations on reports of investigations made concerning shore erosion on coastal and lake waters, and the protection of such shores. The Board, in accomplishing its mission: (a) Recommended the priorities and allocation of funds for coastal projects and research and development (R&D); (b) created major programs in areas such as education/training, environment, and technology transfer; (c) developed the Regional Sediment Management Program, the Shore Protection Project Performance Program and the National Shoreline Erosion Control Development and Demonstration Program; and (d) led the international effort to create an open source, physics-based numerical model of regional storm characteristics and impacts.

The Board shall be composed of not more than 7 members, who are distinguished authorities in the field of coastal engineering. Board members appointed by the Secretary of Defense, who are not Federal officers or employees, shall be appointed as experts and consultants under the authority of 5 U.S.C. 3109 and with the exception of travel and per-diem for official travel. The Secretary of the Army, pursuant to 33 U.S.C 462–2, may compensate Board Members who are not full-time Federal officers or employees for each day of attendance at Board Meetings, not to exceed thirty days per year. Board Members shall be appointed on an annual basis and serve two-year terms on the Board. The Secretary of the Army or designee shall select the Board President.

The Board shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976, and other appropriate federal regulations.

Such subcommittees or workgroups shall not work independently of the chartered Board, and shall report all their recommendations and advice to the Board for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Board nor can they report directly to the Department of Defense or any federal officers or employees who are not Board members.

FOR FURTHER INFORMATION CONTACT: Contact Jim Freeman, Deputy Committee Management Officer for the Department of Defense, 703–601–6128.

SUPPLEMENTARY INFORMATION: The Board shall meet at the call of the Board's Designated Federal Officer, in consultation with the Board's chairperson. The Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. The Designated Federal Officer or duly appointed Alternate Designated Federal Officer shall attend all Board meetings and subcommittee meetings.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to the Board on Coastal Engineering Research membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Board on Coastal Engineering Research.

All written statements shall be submitted to the Designated Federal Officer for the Board on Coastal Engineering Research, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Board on Coastal Engineering Research's Designated Federal Officer can be obtained from the GSA's FACA Database—*https://www.fido.gov/facadatabase/public.asp*.

The Designated Federal Officer, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Board on Coastal Engineering Research. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: September 3, 2008.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E8–21090 Filed 9–10–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2008–0060]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to delete two systems of records.

SUMMARY: The Department of the Army is deleting two systems of records in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: These proposed actions will be effective without further notice on October 14, 2008 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Department of the Army, Records Management and Declassification Agency, Privacy Division, 7701 Telegraph Road, Alexandria, VA 22315.

FOR FURTHER INFORMATION CONTACT: Ms. Vicki Short at (703) 428–6508.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Department of the Army proposes to delete two systems of records from its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The proposed deletions are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports.

Dated: September 3, 2008.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

A0027–3 SAFM

SYSTEM NAME:

Pecuniary Charge Appeal Files (February 22, 1993, 58 FR 10002).

REASON:

These records are covered under notice A0027–20a DAJA, U.S. Army Claims Service Management Information System (August 1, 2008, 73 FR 44974).

A0037–103c SAFM

SYSTEM NAME:

Validation Files (February 22, 1993, 58 FR 10002)

REASON:

These records are covered under notice T7340, Defense Joint Military Pay System-Active Component (March 21, 2006, 71 FR 14179).

[FR Doc. E8–21085 Filed 9–10–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2008–0058]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to delete a system of records.

SUMMARY: The Department of the Army is deleting a system of records in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on October 14, 2008 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Department of the Army, Records Management and Declassification Agency, Privacy Division, 7701 Telegraph Road, Alexandria, VA 22315.

FOR FURTHER INFORMATION CONTACT: Ms. Vicki Short at (703) 428–6508.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Department of Army proposes to delete a system of records notice from its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The proposed deletion is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports.

Dated: September 3, 2008.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

A0001–AHRC–ARI

SYSTEM NAME:

Professional Staff Information File (January 6, 2004, 69 FR 790).

REASON:

This system no longer exists. All records have been destroyed by shredding or burning.

[FR Doc. E8–21086 Filed 9–10–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2008–0059]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Department of the Army is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on October 14, 2008, unless comments are received which result in a contrary determination.

ADDRESSES: Department of the Army, Freedom of Information/Privacy Division, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905.

FOR FURTHER INFORMATION CONTACT: Ms. Vicki Short at (703) 428–6508.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: September 3, 2008.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

A0601–210 DAPE

SYSTEM NAME:

Army Recruiting Prospect System (February 22, 1993, 58 FR 10146).

CHANGES:

Change System ID to ''A0601–210c TRADOC.''

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Army recruiting stations and the Army Accessions Command Integrated

Automation Architecture; addresses may be obtained from the Commander, U.S. Army Recruiting Command, Fort Knox, KY 40121–2725.''

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 3013, Secretary of the Army; Army Regulation 601–210, Active and Reserve Components Enlistment Program and E.O. 9397 (SSN).''

* * * * *

STORAGE:

Delete entry and replace with ''Paper records and electronic storage media.''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Information in this system is maintained in locked storage areas available only to designated individuals having need therefore in the performance of official duties. Personal information on prospects which is entered into the Army Recruiting Information Support System (ARISS). Administrative, physical and technical safeguards employed by the Accessions Command, Recruiting Command and its contractor are commensurate with the sensitivity of personal data to ensure preservation of integrity and to preclude unauthorized use/disclosure.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Commander, U.S. Army Recruiting Command, Fort Knox, KY 40121–2725.''

NOTIFICATION PROCEDURE:

Change Zip Code to ''40121–2725.''

RECORD ACCESS PROCEDURES:

Change Zip Code to ''40121–2725.''

* * * * *

A0601–210c TRADOC

SYSTEM NAME:

Army Recruiting Prospect System.

SYSTEM LOCATION:

Army recruiting stations and the Army Accessions Command Integrated Automation Architecture; addresses may be obtained from the Commander, U.S. Army Recruiting Command, Fort Knox, KY 40121–2725.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospects for Army enlistment, individuals who have asked to be excluded from Army promotional mailing, third parties who refer names of prospects to recruiters or who are influential in the recruiting effort.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, home address and telephone number, schools attended, arrest record, names and addresses of prospective enlistee. On acceptance, applicant's record includes information furnished by the Military Enlistment Processing Command reflecting examination results. Also included are name, address and/or telephone number of third parties who are influential in the recruiting program, e.g., city/state officials, Chamber of Commerce members, university/college/high school staff and faculty.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; Army Regulation 601–210, Active and Reserve Components Enlistment Program and E.O. 9397 (SSN).

PURPOSE(S):

These records are used by the Department of the Army: (1) To review an individual's potential for enlisting; (2) to obtain school quotas for potential enlistee's skills, educational, and assignment preferences and objectives; (3) to monitor recruiter performance; (4) for personnel management, statistical, and historical reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and electronic storage media.

RETRIEVABILITY:

By name or Social Security Number of the prospective enlistee, inquirer, recruiter, or third party referring agent.

SAFEGUARDS:

Information in this system is maintained in locked storage areas available only to designated individuals having need therefore in the performance of official duties. Personal information on prospects which is entered into the Army Recruiting Information Support System (ARISS). Administrative, physical and technical safeguards employed by the Accessions Command, Recruiting Command and its contractor are commensurate with the sensitivity of personal data to ensure preservation of integrity and to preclude unauthorized use/disclosure.

RETENTION AND DISPOSAL:

Information furnished by a prospective enlistee is retained until 3 months following end of enlistee's initial term of service, after which it is destroyed or erased; information concerning individuals who provide names of prospects is retained until no longer needed; information on prospects not enlisted is destroyed/erased at the end of each calendar year following that in which collected.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Recruiting Command, Fort Knox, KY 40121–2725.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system contains information about them should write to the commander of the recruiting station to which information was provided, or to the Commander, U.S. Army Recruiting Command, Fort Knox, KY 40121–2725.

Individual must provide full name, Social Security Number, details that will assist in locating the records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information from this system should address requests to the commander of the recruiting station to which information was provided, or to the Commander, U.S. Army Recruiting Command, Fort Knox, KY 40121–2725.

Individual must provide full name, Social Security Number, details that will assist in locating the records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, high school officials/yearbooks/directories, law enforcement agencies, third parties who provide prospect leads, relevant Army records/reports, influential community officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E8–21087 Filed 9–10–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Overview Information; National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Advanced Rehabilitation Research Training (ARRT) Projects; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2009

Catalog of Federal Domestic Assistance (CFDA) Number: 84.133P–1.

DATES: *Applications Available:* September 11, 2008.

Deadline for Transmittal of Applications: November 10, 2008.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of this program is to provide research training and experience at an advanced level to individuals with doctorates, or similar advanced degrees, who have clinical or other relevant experience. ARRT projects train rehabilitation researchers, including researchers with disabilities, with particular attention to research areas that support the implementation and objectives of the Rehabilitation Act of 1973, as amended (Act), and that improve the effectiveness of services authorized under the Act.

Priority: In accordance with 34 CFR 75.105(b)(2)(ii), this priority is from the regulations for this program (34 CFR 350.12 and 350.64 through 350.65).

Absolute Priority: For FY 2009, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Advanced Rehabilitation Research Training Projects

ARRT projects must—(1) recruit and select candidates for advanced research training; (2) provide a training program that includes didactic and classroom instruction, is multidisciplinary, emphasizes scientific research methodology, and may involve collaboration among institutions; (3) provide research experience, laboratory experience, or its equivalent, in a community-based research setting, and a practicum experience that involves each trainee in clinical research and in practical activities with organizations representing individuals with disabilities; (4) provide academic mentorship or guidance, and opportunities for scientific collaboration with qualified researchers at the host university and other appropriate institutions; and (5) provide opportunities for participation in the development of professional presentations and publications, and for attendance at professional conferences and meetings, as appropriate for the individual's field of study and level of experience.

It is expected that applicants will articulate goals, objectives, and expected outcomes for the research training activity. Applicants should describe expected public benefits of this training activity, especially benefits for individuals with disabilities, and propose projects that optimally are designed to demonstrate outcomes that are consistent with the proposed goals. Applicants are encouraged to include information describing how they will measure outcomes, including the indicators that will represent the end-result. Submission of this measurement information is voluntary, except where required by the selection criteria listed in the application package.

A grantee for an ARRT project must provide training to individuals for at least one academic year, unless a longer training period is necessary to ensure that each trainee is qualified to conduct independent research upon completion of the course of training.

Trainees under an ARRT project must devote at least 80 percent of their time to the activities of the training program during the training period.

Note: This program is in concert with President George W. Bush's New Freedom Initiative (NFI) and NIDRR's Final Long-Range Plan for FY 2005–2009 (Plan). The NFI can be accessed on the Internet at the following site: *http://www.whitehouse.gov/infocus/newfreedom*. The Plan is comprehensive and integrates many issues relating to disability and rehabilitation research topics. The Plan, which was published in the **Federal Register** on February 15, 2006 (71 FR 8165), can be accessed on the Internet at the following site: *http://www.ed.gov/about/offices/list/osers/nidrr/policy.htm*.

Through the implementation of the Plan, NIDRR seeks to—(1) Improve the quality and utility of disability and rehabilitation research; (2) foster an exchange of expertise, information, and training to facilitate the advancement of knowledge and understanding of the unique needs of traditionally underserved populations; (3) determine best strategies and programs to improve rehabilitation outcomes for underserved populations; (4) identify research gaps; (5) identify mechanisms of integrating research and practice; and (6) disseminate findings.

Program Authority: 29 U.S.C. 762(k).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 85, 86, and 97. (b) The regulations for this program in 34 CFR part 350.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $106,705,470 for awards for NIDRR for FY 2009, of which we intend to use an estimated $600,000 for the ARRT competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Estimated Range of Awards: $147,000 to $150,000.

Estimated Average Size of Awards: $150,000.

Maximum Award: We will reject any application that proposes a budget exceeding $150,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Note: Indirect cost reimbursement on a training grant is limited to eight percent of a modified total direct cost base, defined as total direct costs less stipends, tuition and related fees, and capital expenditures of $5,000 or more.

Estimated Number of Awards: 4.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* Institutions of higher education.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *http://www.ed.gov/fund/grant/apply/grantapps/index.html*.

To obtain a copy from ED Pubs, write, fax, or call the following: Education

Publications Center, P.O. Box 1398, Jessup, MD 20794–1398. Telephone, toll free: 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *http://www.ed.gov/pubs/edpubs.html* or at its e-mail address: *edpubs@inet.ed.gov*.

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.133P–1.

Individuals with disabilities can obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed under *Alternative Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit Part III to the equivalent of no more than 75 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative. Single spacing may be used for titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The suggested page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the page limit does apply to all of the application narrative section (Part III).

The application package will provide instructions for completing all components to be included in the application. Each application must include a cover sheet (Standard Form 424); budget requirements (ED Form 524) and a narrative budget justification; other required forms; an abstract, Human Subjects narrative, Part III narrative; resumes of staff; and other related materials, if applicable.

3. *Submission Dates and Times: Applications Available:* September 11, 2008. *Deadline for Transmittal of Applications:* November 10, 2008.

Applications for grants under this competition may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery, please refer to section IV.6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section in this notice.

6. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.* To comply with the President's Management Agenda, we are participating as a partner in the Governmentwide Grants.gov Apply site. Advanced Rehabilitation Research Training Projects, CFDA Number 84.133P–1 is included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Governmentwide Grants.gov Apply site at *http://www.Grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for Advanced Rehabilitation Research Training Projects at *http://www.Grants.gov*. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.133, not 84.133P).

Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf*.
- To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are

outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.
- If you submit your application electronically, you must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Education Assistance).
- If you submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues With the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. *Submission of Paper Applications by Mail.* If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133P–1), 400 Maryland Avenue, SW., Washington, DC 20202–4260 or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center, Stop 4260, Attention: (CFDA Number 84.133P–1), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.* If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133P–1), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260. The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

Selection Criteria: The selection criteria for this competition are from 34

CFR 350.54 and are listed in the application package.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section in this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html*.

4. *Performance Measures:* To evaluate the overall success of its research program, NIDRR assesses the quality of its funded projects through review of grantee performance and products. Each year, NIDRR examines, through expert review, a portion of its grantees to determine:

- The percentage of NIDRR-supported fellows, post-doctoral trainees, and doctoral students who publish results of NIDRR-sponsored research in refereed journals.
- The average number of publications per award based on NIDRR-funded research and development activities in refereed journals.
- The percentage of grantee research and development that has appropriate study design, meets rigorous standards of scientific and/or engineering methods, and builds on and contributes to knowledge in the field.
- The percentage of new grants that include studies funded by NIDRR that assess the effectiveness of interventions, programs, and devices using rigorous and appropriate methods.

NIDRR uses information submitted by grantees as part of their Annual Performance Reports (APRs) for these reviews. NIDRR also determines, using information submitted as part of the APR, the number of publications in refereed journals that are based on NIDRR-funded research and development activities.

Department of Education program performance reports, which include information on NIDRR programs, are available on the Department's Web site: *http://www.ed.gov/about/offices/list/opepd/sas/index.html*.

Updates on the Government Performance and Results Act of 1993 (GPRA) indicators, revisions and methods appear on the NIDRR Program Review Web site: *http://www.neweditions.net/pr/commonfiles/pmconcepts.htm*.

Grantees should consult these sites, on a regular basis, to obtain details and explanations on how NIDRR programs contribute to the advancement of the Department's long-term and annual performance goals.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Marlene Spencer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 6026, PCP, Washington, DC 20202. Telephone: (202) 245–7532 or by e-mail: *marlene.spencer@ed.gov*.

If you use a TDD, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

VIII. Other Information

Alternative Format: Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html*.

Dated: September 8, 2008.

Tracy R. Justesen,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. E8–21139 Filed 9–10–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 14, 2008.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to *oira_submission@omb.eop.gov* or via fax to (202) 395–6974. Commenters should include the following subject line in their response ''Comment: [insert OMB number], [insert abbreviated collection name, e.g., ''Upward Bound Evaluation'']. Persons submitting comments electronically should not submit paper copies.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of

Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: September 8, 2008.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Elementary and Secondary Education

Type of Review: New Collection.

Title: Leveraging Educational Technology to Keep America Competitive: National Teacher Technology Study.

Frequency: On Occasion.

Affected Public: Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 2300.

Burden Hours: 750.

Abstract: The purpose of this study is to invesigate the technology experiences included in pre-service teacher preparation programs, as well as how teachers use technology in the classroom. A three-phase grounded theory research design employs (1) educational technology faculty and general induction teacher surveys, (2) educational technology faculty and accomplished technology-using teacher phone interviews, and (3) case studies of teacher education programs and accomplished technology-using teachers.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *WASHINGTONICDocketMgr@ed.gov* 202–401–1097. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E8–21230 Filed 9–10–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: The Department of Education (Department) gives notice that on April 7, 2008, an arbitration panel rendered a decision in the matter of *David Zelickson* v. *California Department of Rehabilitation, Case no. R–S/06–10*). This panel was convened by the Department under 20 U.S.C. 107d–1(a), after the Department received a complaint filed by the petitioner, David Zelickson.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the full text of the arbitration panel decision from Suzette E. Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5022, Potomac Center Plaza, Washington, DC 20202–2800. Telephone: (202) 245–7374. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: Under section 6(c) of the Randolph-Sheppard Act (the act), 20 U.S.C. 107d–2(c), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

Background

Mr. David Zelickson (complainant) alleged violations by the California Department of Rehabilitation, the state licensing agency (SLA) of the Randolph-Sheppard Act (Act), and the implementing regulations in 34 CFR part 395. Complainant alleged that the SLA failed to enforce the arbitration panel decision and award in the case of *California Department of Education* v. *General Services Administration, Case no. R–S/99–1*. The aforementioned grievance was a complaint filed by the SLA regarding management of a vending facility at the Roybal Federal Building (Roybal) in Los Angeles, California where complainant was assigned as the licensed blind vendor.

Specifically, complainant received a permit from the SLA to operate the Roybal building in 1993. The permit was renewed in 1996. In November 1997, the General Services Administration (GSA) requested the removal of complainant from the Roybal building indicating its right to do so because of a change in the nature of the food service provided at the vending facility.

The SLA requested the Secretary of Education to convene a federal arbitration panel to hear this matter. A panel was convened. On December 26, 2000, the panel found that GSA was in violation of the act concerning the removal of complainant from the Roybal building. In the decision and award, the panel ruled that complainant should be reinstated to the Roybal building and that GSA was obligated to make both the complainant and the SLA whole for their economic losses. GSA did not contest the award that was final and binding.

For six years, the SLA attempted to secure voluntary compliance by GSA with the December 2000 decision and award. GSA refused until March 2006 to allow complainant to return to the Roybal building. GSA claiming sovereign immunity, also maintained that it never agreed to compensate complainant for his economic losses.

Shortly after March 2006, complainant filed a request for Federal arbitration with the secretary of Education regarding this matter. A Federal arbitration panel heard this case on August 10, 2007.

According to the arbitration panel, the issues to be resolved were as follows: (1) To what extent, if any was the SLA obligated to enforce the 2000 arbitration decision and award; (2) did the SLA meet its obligation to complainant; and (3) if not, what was the appropriate remedy.

Arbitration Panel Decision

After reviewing all of the records and hearing testimony of witnesses, the panel majority found that the SLA was obligated to enforce the 2000 arbitration decision and award and failed to meet its obligation to the complainant by not suing for enforcement of the arbitration decision and award. As discussed by the panel, a lawsuit is the only way an SLA

can protect its interest in a facility it established, as well as protecting a blind vendor's interest because a blind vendor has no right to enforce an arbitration decision and award favorable to the SLA against a federal agency. As a result of this failure to protect the vendor's interest, the SLA became liable for damages that were afforded to complainant pursuant to the 2000 arbitration decision and award, which had directed GSA to pay complainant for his lost earnings. The panel determined the amount of wages lost by the vendor, but then stated that the vendor had a duty to mitigate damages. Based on the following circumstances, the panel ruled that complainant failed to mitigate his damages.

On or about August 1, 2002, the SLA had offered the complainant an opportunity to apply for another permanent facility without waiving his rights to return to the Roybal building. However, complainant argued that he lacked the financial ability to make a new vending facility operable. The panel majority rejected this argument based on complainant's previous experience in the business enterprise program and the SLA's past assistance to him. The majority concluded that it was complainant's obligation to request financial assistance from the SLA to start a new vending facility and he failed to do so. Thus, because complainant failed to mitigate his damages, the panel majority concluded that the appropriate period for computing damages should end as of August 2002, the time the SLA offered complainant the opportunity to manage a new permanent facility.

Accordingly, the panel majority ruled that the appropriate period for calculating damages was from December 1, 1997 to August 1, 2002 or a period of 56 months. Thus, the panel majority ruled that compensatory damages must be paid to the complainant by the SLA within 30 days from the date of the panel's decision calculated at the rate of $2500 per month for 56 months or $140,000. Also, the panel majority ruled that if the SLA failed to pay complainant within 30 days of the final decision, interest would be attached equivalent to what the National Labor Relations Boards computes on its awards of back pay.

Additionally, the panel majority ruled that the SLA must give the complainant a permit to operate a vending facility at the Roybal building, if the Roybal building was currently part of the business enterprise program and available, or in the alternative provide complainant a comparable vending facility. This was to be accomplished with 90 days from the date of the panel's decision. Further, the panel retain jurisdiction for a period not to exceed 90 days from the date of the award to resolve any issues relating to or compliance with the final decision and award by the SLA.

One panel member dissented.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the Department.

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Dated: September 8, 2008.

Tracy R. Justesen,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. E8–21145 Filed 9–10–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: The Department of Education (Department) gives notice that on May 15, 2008, an arbitration panel rendered a decision in the matter of *Arizona Department of Economic Security, Rehabilitation Services Administration* v. *United States Postal Service (Case No. R–S/06–3)*. This panel was convened by the Department under 20 U.S.C. 107d–1(b), after the Department received a complaint filed by the petitioner, the Arizona Department of Economic Security, Rehabilitation Services Administration.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the full text of the arbitration panel decision from Suzette E. Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5022, Potomac Center Plaza, Washington, DC 20202–2800. Telephone: (202) 245–7374. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: Under section 6(c) of the Randolph-Sheppard Act (the act), 20 U.S.C. 107d–2(c), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

Background

The Arizona Department of Economic Security, Rehabilitation Services Administration, the State Licensing Agency (SLA) alleged violations by the United States Postal Service (USPS) of the Randolph-Sheppard Act (Act), and the implementing regulations in 34 CFR part 395. Specifically, the SLA alleged that USPS improperly denied the SLA's request to establish vending facilities comprised of vending machines at postal locations in Mesa and Tucson, Arizona in violation of the priority provisions of the Act at 20 U.S.C. 107(b).

On October 22, 2002, USPS notified the SLA that the Mesa Postal Service was seeking a new vendor for nine postal locations in Mesa, Arizona. On October 29, 2002, the SLA informed USPS that it was exercising its priority under the Act and would be providing vending services to the nine Mesa postal locations. However, on December 16, 2002, USPS sent the SLA a letter to notify them of a change in the projected start up date for the SLA to begin operating the Mesa vending locations.

On April 22, 2003, USPS again notified the SLA that it was in need of vending food service for 15 postal locations in Tucson, Arizona. Following this notification, the SLA and USPS staff met on June 18, 2003. At that time, USPS informed the SLA that it had issued a directive stating that each of the 15 Tucson vending locations would have a permit and each location would require a separate blind vendor to manage the facility.

On July 31, 2003, the SLA sent a letter to USPS indicating that it did not intend

to waive the priority under the act regarding the 15 Tucson postal vending locations. Additionally, the SLA requested that USPS clarify in writing and provide a copy of the directive regarding USPS's position that a different blind vendor must operate each of the 15 vending locations.

The Postal Service contracting officer responded to the SLA in a letter dated September 18, 2003. The contracting officer citing Postal Service Handbook EL–602 (August 1994), section 331.1 stated, ''It is the Postal Service's policy that a blind vendor may not be assigned vending machines remote from the location for which the permit is issued.'' Therefore, USPS informed the SLA each of the 15 vending sites in Tucson for which a permit was issued must be operated by separate blind vendors working full-time and vending sites could not be combined into a single operation for a blind vendor.

On August 17, 2005, the staff of the SLA's Business Enterprise Program contacted USPS's customer relations coordinator for an update on the Mesa vending locations. The customer service coordinator responded that no action had been taken pending the outcome of the SLA's request to operate the Tucson vending locations. Subsequently, the SLA filed a request for federal arbitration with the Secretary of Education regarding this matter. A federal arbitration panel heard this case on August 23, 2007.

The central issue heard by the arbitration panel was: Whether the Act and implementing regulations provided the SLA a priority to operate and manage vending machine routes on USPS property.

Arbitration Panel Decision

After reviewing all of the records and hearing testimony of witnesses, the panel majority ruled that vending locations combined into a single vending route are permissible under the Act and that current USPS policies are not in compliance with either the spirit or letter of the Act. The panel determined that there was nothing in the satisfactory site provisions in 34 CFR 395.31(d) that would exempt a federal entity desiring vending services from the priority under the act. Further, the majority found that there is nothing in the Act or the Postal Service Handbook EL–602 that addresses blind vendors being at a vending site full-time. The panel also found that USPS had not sought and received approval from the Secretary of Education to impose the requirement that blind vendors be on-site at USPS vending facilities full-time and that no similar restriction was imposed on private vending companies.

Based upon the foregoing, the majority concluded USPS's policy of requiring that each vending location have an individual permit and a separate blind vendor constituted a limitation upon the placement of a vending facility on federal property in violation of the act and implementing regulations at 34 CFR 349.31(b).

Thus, the panel majority directed USPS to immediately terminate agreements with private concessionaires providing vending services at the Mesa and Tucson postal locations and to grant a permit(s) to the SLA to operate one or more facilities pursuant to the act. The panel also indicated that USPS should have the understanding that the SLA may choose to assign multiple postal locations to a single blind vendor.

Finally, the panel majority found that USPS's conduct warranted damages in this case. However, the majority did not award damages since they were not sought by the SLA and no individual blind vendor was harmed.

One panel member dissented.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the Department.

Electronic Access to This Document

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Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html*.

Dated: September 8, 2008.

Tracy R. Justesen,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. E8–21154 Filed 9–10–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Advisory Committee on Student Financial Assistance: Meeting

AGENCY: Advisory Committee on Student Financial Assistance, Education.

ACTION: Notice of open teleconference meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming teleconference meeting of the Advisory Committee on Student Financial Assistance. Individuals who will need accommodations for a disability in order to attend the teleconference meeting (i.e., interpreting services, assistive listening devices, and/or materials in alternative format) should notify the Advisory Committee no later than Tuesday, September 23, 2008 by contacting Ms. Tracy Jones at (202) 219–2099 or via e-mail at *tracy.deanna.jones@ed.gov*. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The teleconference site is accessible to individuals with disabilities. This notice also describes the functions of the Advisory Committee. Notice of this hearing is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

DATE AND TIME: Monday, September 29, beginning at 1:30 p.m. and ending at approximately 2 p.m.

ADDRESSES: Office of the Advisory Committee on Student Financial Assistance, Capitol Place, 80 F Street, NW., Room 412, Washington, DC 20202–7582.

FOR FURTHER INFORMATION CONTACT: Dr. William J. Goggin, Executive Director, Advisory Committee on Student Financial Assistance, Capitol Place, 80 F Street, NW., Suite 413, Washington, DC 20202–7582, (202) 219–2099.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Student Financial Assistance is established under Section 491 of the Higher Education Act of 1965 as amended by Public Law 100–50 (20 U.S.C. 1098). The Advisory Committee serves as an independent source of advice and counsel to the Congress and the Secretary of Education on student financial aid policy. Since its inception, the congressional mandate requires the Advisory Committee to conduct objective, nonpartisan, and independent analyses on important aspects of the student assistance programs under Title IV of the Higher Education Act. In

addition, Congress expanded the Advisory Committee's mission in the Higher Education Amendments of 1998 to include several important areas: access, Title IV modernization, distance education, and early information and needs assessment. Specifically, the Advisory Committee is to review, monitor and evaluate the Department of Education's progress in these areas and report recommended improvements to Congress and the Secretary.

The Advisory Committee has scheduled this teleconference solely to conduct the election of officers.

Space for the teleconference meeting is limited and you are encouraged to register early if you plan to attend. You may register by sending an e-mail to the following addresses: *tracy.deanna.jones@ed.gov*. Please include your name, title, affiliation, complete address (including Internet and e-mail, if available), and telephone and fax numbers. If you are unable to register electronically, you may fax your registration information to the Advisory Committee staff office at (202) 219–3032. You may also contact the Advisory Committee staff directly at (202) 219–2099. The registration deadline is Monday, September 22, 2008.

Records are kept for Advisory Committee proceedings, and are available for inspection at the Office of the Advisory Committee on Student Financial Assistance, Capitol Place, 80 F Street, NW., Suite 413, Washington, DC from the hours of 9 a.m. to 5:30 p.m. Monday through Friday, except Federal holidays. Information regarding the Advisory Committee is available on the Committee's Web site, *http://www.ed.gov/ACSFA*.

Dated: September 4, 2008.

William J. Goggin,

Executive Director, Advisory Committee on Student Financial Assistance.

[FR Doc. E8–21066 Filed 9–10–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Certification Notice—217]

Office Electricity Delivery and Energy Reliability; Notice of Filing of Self-Certification of Coal Capability Under the Powerplant and Industrial Fuel Use Act

AGENCY: Office Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of filing.

SUMMARY: On May 19, 2008, CPV Maryland, LLC, as owner and operator of a new base load electric powerplant, submitted a coal capability self-certification to the Department of Energy (DOE) pursuant to section 201(d) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended, and DOE regulations in 10 CFR 501.60, 61. Section 201(d) of FUA requires DOE to publish a notice of receipt of self-certifications in the **Federal Register**.

ADDRESSES: Copies of coal capability self-certification filings are available for public inspection, upon request, in the Office of Electricity Delivery and Energy Reliability, Mail Code OE–20, Room 8G–024, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell at (202) 586–9624.

SUPPLEMENTARY INFORMATION: Title II of FUA, as amended (42 U.S.C. 8301 *et seq.*), provides that no new base load electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source.

Pursuant to FUA section 201(d), in order to meet the requirement of coal capability, the owner or operator of such a facility proposing to use natural gas or petroleum as its primary energy source shall certify to the Secretary of Energy (Secretary) prior to construction, or prior to operation as a base load electric powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with FUA section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish a notice in the **Federal Register** reciting that the certification has been filed.

The following owner of a proposed new base load electric powerplant has filed a self-certification of coal-capability with DOE pursuant to FUA section 201(d) and in accordance with DOE regulations in 10 CFR 501.60, 61:

Owner: CPV Maryland, LLC.

Capacity: 640 megawatts (MW).

Plant Location: Waldorf, Maryland.

In-Service Date: Between Summer 2011 and Summer 2012.

Issued in Washington, DC on September 3, 2008.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. E8–21058 Filed 9–10–08; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13276–000]

Natural Currents Energy Services, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 4, 2008.

On August 11, 2008 and supplemented on August 12, 2008, Natural Currents Energy Services, LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Cuttyhunk/Elizabeth Islands Tidal Energy Project, located in the Atlantic Ocean and Canapitsit Channel in Dukes County, Massachusetts. The project uses no dam or impoundment.

The proposed project would consist of: (1) 4 Tidal In-Stream Energy Conversion (TISEC) generating units, with a total installed capacity of 100-kilowatts, (2) underwater cable with a length between 250 meters to 2.5 kilometers for site 1, and up to 10 kilometers in length for site 2, and (3) appurtenant facilities. The project is estimated to have an annual generation of 350,000 kilowatt-hours, which would be sold to Cuttyhunk Island.

Applicant Contact: Mr. Roger Bason, Natural Currents Energy Services, LLC, 24 Roxanne Boulevard, Highland, New York 12561, phone (845) 691–4008.

FERC Contact: Kelly Houff (202) 502–6393.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at *http://www.ferc.gov/filing-comments.asp.* More information about this project can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13276) in

the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–21064 Filed 9–10–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12589–001]

Public Service Company of Colorado; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions

September 4, 2008.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* P–12589–001.

c. *Date Filed:* June 25, 2008.

d. *Applicant:* Public Service Company of Colorado (d/b/a Xcel Energy).

e. *Name of Project:* Tacoma Hydroelectric Project.

f. *Location:* The existing project is located on Cascade Creek, Little Cascade Creek and Elbert Creek in La Plata and San Juan Counties, Colorado. The Tacoma Project occupies 221 acres of the San Juan National Forest.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Randy Rhodes, Public Service Company of Colorado, 4653 Table Mountain Drive, Golden, Colorado 80403; telephone (720) 497–2123.

i. *FERC Contact:* David Turner (202) 502–6091 or via e-mail at *david.turner@ferc.gov*.

j. The deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions is November 3, 2008; reply comments are due December 18, 2008.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

k. This application has been accepted for filing and is ready for environmental analysis.

l. The existing project consists of the following: (1) A 30-foot-long, 10-foot-high concrete diversion dam on Cascade Creek; (2) a 4,200-foot-long, 10-foot-diameter, semi-circular, elevated wooden flume; (3) a 1,400-foot-long, 60-inch-diameter steel inverted siphon; (4) a 14,500-foot-long, 64-inch-diameter steel pipeline; (5) the open channel of Little Cascade Creek; (6) a 0.5-mile-long, 5-foot-deep lake (Columbine Lake) formed by a small, partially breached timber dam on Little Cascade Creek; (7) the open channel of Little Cascade Creek downstream of Columbine Lake; (8) the 4-acre Aspaas Lake; (9) a 274-foot-long, 27-foot-high, earth-filled Aspaas dam; (10) a 14-foot-wide, rock-cut open diversion channel that diverts flow from Aspaas Lake to Electra Lake; (11) the 800-acre Electra Lake; (12) a 140-foot-long, 20-foot-high, rock-filled, timber crib dam (Stagecoach dam) serving as the spillway for Electra Lake; (13) a 1,270-foot-long, 62-foot-high, rock-filled dam (Terminal dam), with an impermeable asphalt membrane on the upstream face and an asphalt-paved crest; (14) a 429-foot-long, 54-inch-diameter steel pipe intake under the Terminal dam that leads project flows from Electra Lake to a valve vault; (15) the valve vault; (16) a 9,590-foot-long, 66-inch-diameter welded steel penstock, with a 12-foot-diameter, 116-foot-high surge tank; (17) a bifurcated penstock structure that diverts flow to a 2,050-foot-long, 30-inch-diameter welded steel penstock that enters the powerhouse and a 2,050-foot-long, 54-inch diameter welded steel penstock that branches to a 46-inch diameter pipe immediately prior to entering the powerhouse; (18) a 108-foot-long, 64-foot-wide, steel frame, brick powerhouse containing three generating units with a total installed capacity of 8 megawatts (MW), one of which is currently disabled due to a catastrophic failure and proposed to be replaced; (19) a 44 kV substation adjacent to the powerhouse; and (20) appurtenant facilities.

The project is operated both as a base-load plant and a peaking plant depending on the time of the year. The applicant proposes the following changes to project facilities: (1) Project boundary modifications to reflect lands needed for project operations; (2) rehabilitation and addition of the 6-foot-high Canyon Creek diversion to supply potable water, emergency cooling water, and fire protection; (3) the addition of a 4 MW turbine-generator (Unit 4); and (4) several recreation and environmental measures.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, 202–502–8659. A copy is also available for inspection and reproduction at the address in item h above.

Register online at *http://www.ferc.gov/esubscribenow.htm* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) Bear in all capital letters the title ''PROTEST,'' ''MOTION TO INTERVENE,'' ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''PRELIMINARY TERMS AND CONDITIONS,'' or ''PRELIMINARY FISHWAY PRESCRIPTIONS''; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person

protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

o. *Procedural Schedule:*

The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Filing of Interventions, Recommendations, Preliminary Terms and Conditions, and Fishway Prescriptions	November 3, 2008.
Reply Comments Due	December 18, 2008.
Issue Draft EA	March 18, 2009.
Comments on Draft EA Due	April 17, 2009.
Filing of Modified Mandatory Terms and Conditions	June 16, 2009.
Issue Final EA	September 14, 2009.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in § 5.22: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–21065 Filed 9–10–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13245–000]

UEK Delaware L.P.; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 4, 2008.

On June 19, 2008 and supplemented on August 28, 2008, UEK Delaware L.P. filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Indian River Tidal Hydrokinetic Energy Project, located on the Indian River in Sussex County, Delaware. The project uses no dam or impoundment.

The proposed project would consist of: (1) 25 bi-directional turbine generating units, with a total installed capacity of 10-megawatts, (2) an underwater cable 400 feet in length, (3) a transmission line 100 feet in length, and (4) appurtenant facilities. The project is estimated to have an annual generation of 55.503 gigawatts-hours, which would be sold into PJM.

Applicant Contact: Mr. David O. Rickards, UEK Delaware L.P., 34612 Rickards Road, Frankford, DE 19945, phone (302) 539–9034.

FERC Contact: Kelly Houff (202) 502–6393.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at *http://www.ferc.gov/filing-comments.asp.* More information about this project can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13245) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–21063 Filed 9–10–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RR08–6–000]

North American Electric Reliability Corp; Notice of Filing

September 4, 2008.

On September 2, 2008, the North American Electric Reliability Corporation (NERC) filed corrections to its August 22, 2008 filing, titled ''Corrected Version Filed September 2, 2008.'' NERC states that none of the corrections are to the actual 2009 Business Plan and Budgets, the eight Regional Entities or the Western Interconnection Regional Advisory Body.

The filing was noticed on August 28, 2008 and the comment date remains the same, September 11, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–21062 Filed 9–10–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent To Prepare a Programmatic Environmental Impact Statement To Evaluate Wind Energy Development in Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota; Including the U.S. Fish and Wildlife Service's Landscape-Level Easement Program in North Dakota, South Dakota, and Eastern Montana; and To Conduct Public Scoping Meetings

AGENCIES: Western Area Power Administration, U.S. Department of Energy, and U.S. Fish and Wildlife Service, U.S. Department of the Interior.

ACTION: Notice of Intent to Prepare a Programmatic Environmental Impact Statement, and to Conduct Public Scoping Meetings.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended; and the Council on Environmental Quality (CEQ) regulations; the U.S. Department of Energy, Western Area Power Administration (Western), and the U.S. Department of the Interior, Fish and Wildlife Service (Service), will, as joint lead agencies, prepare a Programmatic Environmental Impact Statement (Programmatic EIS) to evaluate issues associated with wind energy development within Western's Upper Great Plains Customer Service Region (UGP Region), which encompasses all or parts of the States of Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota; and upon the Service's landscape-level grassland and wetland easements in North Dakota, South Dakota, and eastern Montana. The U.S. Department of Agriculture, Rural Utility Services (RUS) plans to participate as a cooperating agency. Public scoping meetings will be held during the Programmatic EIS scoping period.

DATES: The public scoping meetings will be held September 30, October 1 and 2, 2008. The public scoping period starts with the publication of this notice in the **Federal Register** and will continue until November 10, 2008. Western and the Service will consider all electronic and written comments on the scope of the Programmatic EIS received on the project Web site (*http://plainswindeis.anl.gov*), or postmarked by November 10, 2008.

ADDRESSES: Western and the Service will hold public scoping meetings to obtain comments on the Programmatic EIS at 6 p.m., at the following locations:

1. September 30, 2008, Holiday Inn City Centre, 100 West 8th St., Sioux Falls, SD.
2. October 1, 2008, Radisson Hotel, 605 East Broadway Avenue, Bismarck, ND.
3. October 2, 2008, Quality Inn Homestead Park, 2036 Overland Avenue, Billings, MT.

The agencies will also announce the exact locations and times of the public meetings through the local media, the project Web site (*http://plainswindeis.anl.gov*), and an interested party mailing list. You may submit comments electronically, using the online comment form available on the project Web site (*http://plainswindeis.anl.gov*), or by letter to WAPA/FWS Wind Energy Programmatic EIS Scoping, Argonne National Laboratory, 9700 S. Cass Avenue–EVS/900, Argonne, IL 60439.

FOR FURTHER INFORMATION CONTACT: For information on Western's proposed Comprehensive Management Program for Wind Energy Project Interconnections, and general information about interconnections with Western's transmission system, contact Nicholas Stas, Regional Environmental Manager, Upper Great Plains Customer Service Region, Western Area Power Administration, P.O. Box 35800, Billings, MT 59107–5800, telephone (406) 247–7404, facsimile (406) 247–7408, e-mail *stas@wapa.gov*. For information on the Programmatic EIS process, or to receive a copy of the Draft Programmatic EIS when it is issued, contact Mark Wieringa, NEPA Document Manager, Western Area Power Administration, P.O. Box 281213, Lakewood, CO 80228–8213, telephone (800) 336–7288, facsimile (720) 962–7263, e-mail *wieringa@wapa.gov*.

For information on the Service's participation in the Programmatic EIS, contact Michael Spratt, U.S. Fish and Wildlife Service, 134 Union Boulevard, Lakewood, CO 80228–1807, telephone (303) 236–4366, facsimile (303) 236–4792, e-mail *Michael_Spratt@fws.gov*.

For information on RUS's participation in the Programmatic EIS, contact Barbara R. Britton, Environmental Protection Specialist, Engineering and Environmental Staff, Water and Environmental Programs, Rural Development-Utilities Programs, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Mail Stop 1571, Washington, DC 20250; telephone (202) 720–1414; facsimile (202) 720–0820; e-mail *Barbara.Britton@wdc.usda.gov*.

For general information on the DOE's NEPA review process, contact Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance, GC–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0119, telephone (202) 586–4600 or (800) 472–2756, facsimile (202) 586–7031.

SUPPLEMENTARY INFORMATION: Western's UGP Region proposes to develop and implement a comprehensive region-wide management program for wind-energy project interconnections in response to an increasing number of wind-energy project interconnection requests. The UGP Region includes all or parts of the States of Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota. The requests are primarily from independent wind project developers who wish to interconnect their projects to the UGP Region's transmission system, in order to move their generation to market. Currently, Western addresses each request for interconnection separately, in the order that they are received.

The objective of Western's proposed program would be to support the processing of these interconnection requests, including NEPA analyses, by having already addressed generic environmental interconnection concerns and issues in a Programmatic EIS. The Programmatic EIS would analyze, to the extent practicable, the impacts resulting from development of wind energy projects and the effectiveness of mitigation measures, standard construction practices, and best management practices in reducing potential impacts. Impacts and mitigation would be analyzed for each environmental resource, and all aspects of wind energy projects would be addressed, including turbine, transformer, collector line, access road, and substation installations, and operational and maintenance activities. The program would be structured to complement Western's Open Access Transmission Service Tariff (Tariff), which includes procedures for addressing wind-energy project interconnection requests.

Many of the impacts resulting from wind energy infrastructure development, including siting wind turbines, access roads, underground collector lines, overhead lines, and substations, are well known. Similarly, effective mitigation measures and best management practices have been developed to reduce the environmental impacts of constructing and operating

wind-energy developments. The Programmatic EIS will collect and analyze this information as it applies to wind-energy development in the six states included in the UGP Region. Specifically, the EIS and program would:

1. Define areas with a high potential for wind-energy development near UGP Region's transmission system in anticipation of future wind-generation interconnection requests.
2. Define natural and human environment resources in areas with high wind-energy development potential, including Native American lands, to support analyses of the environmental impacts and development of wind-energy resources.
3. Develop and present mitigation measures for reducing wind-energy development impacts on the natural and human environment for use by interconnection applicants in addressing the environmental impacts of their projects.
4. Complete a programmatic Endangered Species Act (ESA) section 7 consultation for listed and proposed threatened and endangered species within the study area boundaries established for the Programmatic EIS.
5. Implement an adaptive management approach that requires mitigation implementation monitoring and reporting to ensure that the best mitigation measures are identified and employed to reduce environmental impacts. The monitoring reports would be used by Western and the Service to periodically update mitigation practices.
6. Define thresholds for significant direct, indirect, and cumulative environmental impacts from wind-energy developments and associated transmission system enhancements to support the impact analysis in the Programmatic EIS.
7. Define circumstances tied to laws, regulations, and policies that have potential to affect wind-energy resource development.
8. Define possible transmission system enhancements to support wind development and the general level of impacts expected from these transmission enhancements.
9. Provide a guide for interconnection applicants that includes information about natural resources within areas with a high potential for wind development, requirements for subsequent site-specific environmental reviews, transmission capacity needs and availability, and appropriate mitigation measures to minimize adverse environmental impacts related to wind projects and associated transmission system enhancements.

The Service maintains a grassland and wetland easement program to support and enhance waterfowl populations in the Prairie Pothole Region. The Service's Region 6 has developed a plan that will allow partial release of an easement for wind generation purposes, only with defined conditions and on a specified area, in exchange for additional easement acreage being conveyed to the Service. As the Service moves forward with this plan, understanding the individual and cumulative impacts to wildlife habitat (primarily grasslands easements) and wildlife is critical. It is important to understand which habitats should be avoided. A streamlined approach for compliance (NEPA, National Historic Properties Act [NHPA], and ESA) for subsequent site-specific wind development projects in the future would result from this Programmatic EIS.

In accordance with the NEPA (42 U.S.C. 4321), and the Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500–1508), 1501.5(b), Western and the Service will be joint lead agencies in the preparation of the Programmatic EIS. Western and the Service will consult under section 7 of the ESA in support of the Programmatic EIS process. The Service intends to prepare a programmatic Biological Opinion as a result of this consultation.

Western and the Service invite any Federal, State, or local agency or tribal government with jurisdiction by law or special expertise in wind energy development and/or electricity transmission operation to be a cooperating agency. RUS has already indicated that it plans to participate as a cooperating agency. Other agencies or state or tribal governments may become cooperating agencies at a later date.

Meetings

Scoping meetings will include introductory presentations on the proposed action by Western and the Service; an overview of wind-energy technologies, interconnections, and power transmission; the Service's landscape-level easement and avian protection programs; and the public participation process. Oral comments from the public will commence immediately after the presentations. Equal consideration will be given to electronic, oral, and written comments. Western and the Service encourage electronic submissions if possible. All meeting locations will be handicapped-accessible. Anyone needing special accommodations should contact Western or the Service to make arrangements.

Public Involvement and Comments

Interested parties are invited to participate in the scoping process, both to refine preliminary alternatives and environmental issues to be analyzed in depth and to eliminate from detailed study those alternatives and environmental issues that are not feasible or pertinent. The scoping process is intended to involve all interested agencies (Federal, State, county, and local), public interest groups, businesses, and members of the public.

The outcome of this Programmatic EIS may affect or apply to tribal resources. Therefore, Western and the Service will meet their Federal requirements to consult with affected tribes throughout the development of the Programmatic EIS to jointly evaluate and address the potential effects, if any, of the proposed action. These consultations would be conducted in accordance with Executive Order 13175 ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249), the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22961), agency-specific guidance on tribal interactions, and applicable natural and cultural resource laws and regulations (e.g., NEPA, ESA, NHPA, and Migratory Bird Treaty Act).

Public scoping meetings will be held at the locations listed under **ADDRESSES** above. A presiding officer will establish only those procedures needed to ensure that everyone who wishes to speak has a chance to do so and that the agencies understand all issues and comments. Speakers will be asked to provide brief comments to allow adequate time to hear all comments. Depending upon the number of persons wishing to speak, the presiding officer may allow longer speaking times. Persons wishing to speak on behalf of an organization should identify that organization in their request to speak. Meetings will begin at the times specified and will continue until all those present who wish to participate have had an opportunity to do so. Should any speaker desire to provide further information for the record that cannot be presented within the designated time, such additional information may be submitted electronically or by letter by November 10, 2008. A transcript of the comments offered during the scoping meetings will be prepared and made available.

The public is encouraged to communicate information and comments on issues it believes Western and the Service should address in the Programmatic EIS. The agencies request information and comments on resources in the UGP Region that development of wind energy may impact. Comments may be in terms of broad areas or restricted to specific areas of concern. Individual respondents may request confidentiality. For written comments or comments received through the Web site, respondents may request to withhold names or street addresses, except for the city or town, from public view or from disclosure under the Freedom of Information Act. Such a request must be stated prominently at the beginning of the comment. We will honor requests to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

After gathering public comments on what issues should be addressed in the Programmatic EIS, Western and the Service will identify and provide rationale in the EIS on those issues addressed and those issues beyond the scope of the EIS. In addition to the major issues, Western and the Service will address a number of management questions and concerns in the Programmatic EIS. The public is encouraged to help identify these questions and concerns during the public scoping period. A scoping summary report will be available for public review approximately 45 days following closure of the scoping period. The report will be posted on the project Web site (*http://plainswindeis.anl.gov*), or may be requested from the contacts noted in the **FOR FURTHER INFORMATION CONTACT** section.

Background Information

The Western's UGP Region sells more than 12 billion kilowatt-hours of firm power per year, generated from eight dams and powerplants of the Pick-Sloan Missouri Basin Program-Eastern Division. This power is enough to serve more than 3 million households. The UGP Region delivers this hydropower through nearly 100 substations and across nearly 7,800 miles of Federal transmission lines in Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota, which are connected with other regional transmission systems and groups.

Western offers transmission capacity in excess of the capacity it requires for the delivery of long-term, firm capacity and energy to current contractual electrical service customers of the Federal government in accordance with its Tariff. The Tariff was developed in response to Federal Energy Regulatory Commission Orders implementing key provisions of the Energy Policy Act of 2005. Section 211 of the Federal Power Act requires that transmission service be provided upon request if transmission capacity is available. Under the Tariff, Western is required to provide firm and non-firm, point-to-point transmission service and network integration transmission service to applicants to the extent that Western has transmission capability available.

Western must respond to a wind developer's request for interconnection to the Federal transmission system. To each request, Western applies the terms and conditions of its Tariff, including its Large Generator Interconnection (LGI) and Small Generator Interconnection (SGI) procedures for providing nondiscriminatory transmission access. Interconnection requests to UGP Region's system require Federal action; therefore, Western has the need to respond to an applicant's request for interconnection to the Federal power system by approving or denying the request. In 2008, Western's UGP Region has received to date eight requests for interconnection for about 1,500 megawatts (MW) of wind generation.

If Western determines that existing transmission capacity is available for a proposed wind development, Western must ensure that existing transmission system reliability and service to existing customers is not degraded. The LGI and SGI procedures provide for transmission and system studies to ensure that capacity is available and system reliability and service to existing customers are not adversely affected. These studies also identify any system upgrades or additions necessary to accommodate a proposed wind development and ensure that they are included in the project's scope.

Wind generation looks promising to Western's customers, other utilities, and wind energy developers in the UGP Region as a solution to increasing energy needs. To date, Western's process for addressing wind-energy interconnection requests has been on an individual basis and in the order of preference defined by interconnection procedures in its Tariff. With the passage of the Energy Policy Act of 2005 and other policy initiatives, Western supports development of wind-energy resources in the UGP Region. In response to increasing wind-energy development, UGP Region needs to establish a more proactive program to support wind-energy resources in the UGP Region.

In the Service's Region 6, commercial wind energy development has grown from almost nothing in the early 1980s to over 11.5 gigawatts (GW) in 2006. Much of this growth has occurred in the past five years, and some predict the industry's installed generating capacity will continue to grow exponentially. Much of this potential development is occurring in areas having some of the largest intact tracts of native prairie and highest wetland densities, making it some of the most productive waterfowl habitat in North America. The scope and geographic extent of the Service's landscape level easement program in North Dakota, South Dakota, and eastern Montana make it difficult for wind companies to avoid impacting Service easements when developing wind-energy resources in the UGP Region.

Under the Service's grassland and wetlands easement program, the owners of land subject to grassland and wetland easements cannot engage in or allow any activity that would destroy vegetation. The intent of the program is to prevent conversion of grassland and wetlands and to protect these habitats at a landscape level while complementing existing agricultural practices and allow for other compatible uses where feasible. Cooperation with the agricultural community has resulted in the overwhelming success of this program, with over three million acres of grassland and wetlands protected to date. However, where wind-energy development is proposed for lands subject to the Service's easements, there must be a mechanism for reconciling these otherwise conflicting interests. It is essential that the Service consider the effects of the expansion of wind generation on the wildlife that uses these easement lands.

Draft EIS Schedule and Availability

Western and the Service anticipate the Programmatic EIS process will take about 22 months and will include the public scoping meetings; consultation and involvement with appropriate Federal, State, and local agencies, and tribal governments; public review and hearing(s) on the published Draft EIS; a published Final EIS; and publication of Records of Decision (ROD).

The public will be provided an opportunity to review the Draft EIS, and hearings on the published Draft EIS are expected to be conducted in the calendar year 2009. A notice of the location of these public hearings will be provided at a later date. A published final EIS, a waiting period, and

publications of ROD are anticipated in calendar year 2010.

Dated: July 23, 2008.

Timothy J. Meeks,

Administrator, Western Area Power Administration.

Dated: September 2, 2008.

Stephen D. Guertin,

Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. E8–21149 Filed 9–10–08; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[Docket # EPA–RO4–SFUND–2008–0631, FRL–8713–4]

19th Avenue Drum Superfund Site, Opa Locka, Dade County, FL; Notice of Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of settlement.

SUMMARY: Under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement for reimbursement of past response costs concerning the 19th Avenue Drum Superfund Site located in Opa Locka, Dade County, Florida for publication.

DATES: The Agency will consider public comments on the settlement until October 14, 2008. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlement are available from Ms. Paula V. Painter. Submit your comments, identified by Docket ID No. EPA–RO4–SFUND–2008–0631 or Site name 19th Avenue Drum Superfund Site by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: Painter.Paula@epa.gov.*
- *Fax:* 404/562–8842/Attn Paula V. Painter.

Mail: Ms. Paula V. Painter, U.S. EPA Region 4, SD–SEIMB, 61 Forsyth Street, SW., Atlanta, Georgia 30303. ''In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for EPA, 725 17th St., NW., Washington, DC 20503.''

Instructions: Direct your comments to Docket ID No. EPA–RO4–SFUND–2008–0631. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center home page at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the U.S. EPA Region 4 office located at 61 Forsyth Street, SW., Atlanta, Georgia 30303. Regional office is open from 7 a.m. until 6:30 p.m. Monday through Friday, excluding legal holidays. Written comments may be submitted to Ms. Painter within 30 calendar days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: Paula V. Painter at 404/562–8887.

Dated: August 12, 2008.

Anita L. Davis,

Chief, Superfund Enforcement & Information Management Branch, Superfund Division.

[FR Doc. E8–21203 Filed 9–10–08; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 26, 2008.

A. Federal Reserve Bank of Kansas City (Todd Offenbacker, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. The Schifferdecker Limited Partnership, Girard, Kansas; Mark W. Schifferdecker, Girard, Kansas, in an individual capacity and as managing general partner; Susan B. Friesen, Omaha, Nebraska, Joy L. Shoop, Hiawatha, Kansas, in an individual capacity and as general partners; and John and Carole Schifferdecker, Girard, Kansas, Nancy Schifferdecker, Girard, Kansas, and Nancy George, Hepler, Kansas, to become part of the family group acting in concert, to acquire control of GN Bankshares, Inc., and thereby indirectly acquire control of The Girard National Bank, both in Girard, Kansas. In addition, the Neihart Limited Partnership, Kansas City, Missouri; and David Neihart, Prairie Village, Kansas, and Robert Neihart, Overland Park, Kansas, in an individual capacity and as general partners; and Wendy Neihart, Prairie Village, Kansas, to become part of the family group acting in concert to acquire control of GN Bankshares, Inc., and thereby indirectly acquire control of The Girard National Bank, Girard, Kansas.

2. Jeffrey F. Whitham, Garden City, Kansas; Stewart A. Whitham, Leoti, Kansas; Barth E. Whitham, Morrison, Colorado; Jennifer E. Jensik, Fredonia, Kansas; and Clay G. Whitham, Lamar, Colorado; individually and as co–trustees of various Whitham family trusts, and as a group acting in concert, to retain control of Whitcorp Financial Company, Leoti, Kansas, and thereby indirectly retain control of Western State Bank, Garden City, Kansas and First National Bank in Lamar, Lamar, Colorado. In addition, Michael Callahan, Pueblo, Colorado; Ward Loyd, Garden City, Kansas; Diana Tedlock, Wichita, Kansas; and Philip Sweeney, Denver, Colorado, also have applied to acquire control of Whitcorp Financial Company, Leoti, Kansas, and thereby indirectly acquire control of Western State Bank, Garden City, Kansas and First National Bank in Lamar, Lamar, Colorado, all as independent trustees of various Whitham family trusts as members of the same group acting in concert.

Board of Governors of the Federal Reserve System, September 8, 2008.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E8–21082 Filed 9–10–08; 8:45 am]

BILLING CODE 6210–01–S

GENERAL SERVICES ADMINISTRATION

Federal Management Regulation (FMR); Motor Vehicle Management; Notice of GSA Bulletin FMR B–20

AGENCY: Office of Governmentwide Policy, General Services Administration (GSA).

ACTION: Notice of a bulletin.

SUMMARY: This bulletin provides a deviation for executive agencies to purchase premium fuel for Government owned and leased vehicles when lower grade fuels are not available due to market shortages in Louisiana, Mississippi, Alabama, and Texas due to the flooding and damage from Hurricane Gustav. GSA Bulletin FMR B–20 may be found at *www.gsa.gov/bulletin*.

DATES: The bulletin announced in this notice became effective on August 31, 2008.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact General Services Administration, Office of Governmentwide Policy, Office of Travel, Transportation and Asset Management, at (202) 501–1777. Please cite Bulletin FMR B–20.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Management Regulation (FMR), Subpart B, section 102–34.335 (41 CFR 102–34.335), requires drivers to use the grade (octane rating) of fuel recommended by the motor vehicle manufacturer when fueling motor vehicles owned or leased by the Government. Present restrictions prohibit the use of premium grade fuel in motor vehicles owned or leased by the Government that will operate on a lower grade of fuel.

As a result of the damage caused by Hurricane Gustav, executive agencies may encounter fuel shortages in the affected areas and may not be able to acquire lower grade fuel for their vehicles to complete their missions. The original intent of section 102–34.335 was to reduce fuel costs and the unnecessary use of premium fuel in vehicles capable of being operated on lower grade fuel. This bulletin, B–20, provides a deviation for executive agencies to purchase premium fuel for Government owned and leased vehicles when lower grade fuels are not available due to market shortages in Louisiana, Mississippi, Alabama, and Texas due to the flooding and damage from Hurricane Gustav.

B. Procedures

Bulletins regarding motor vehicle management are located on the Internet at *www.gsa.gov/bulletin* as Federal Management Regulation bulletins.

Dated: September 3, 2008

Becky Rhodes,

Deputy Associate Administrator.

[FR Doc. E8–21072 Filed 9–10–08; 8:45 am]

BILLING CODE 6820–14–S

GENERAL SERVICES ADMINISTRATION

Federal Travel Regulation (FTR); Notice of GSA Bulletin FTR 08–10

AGENCY: Office of Governmentwide Policy, General Services Administration (GSA).

ACTION: Notice of a bulletin.

SUMMARY: This Bulletin informs agencies that certain provisions of the FTR governing the authorization of actual subsistence expenses for official travel (both TDY and relocation) are temporarily waived as a result of Hurricane Gustav, because it is expected that finding lodging facilities and/or adequate meals may be difficult, and distances involved may be great resulting in increased costs for per diem expenses.

GSA Bulletin FTR 08–10 may be found at *www.gsa.gov/bulletin*.

DATES: The bulletin announced in this notice became effective on August 31, 2008.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact General Services Administration, Office of Governmentwide Policy, Office of Travel, Transportation and Asset Management, at (202) 501–1777. Please cite FTR Bulletin 08–10.

SUPPLEMENTARY INFORMATION:

A. Background

As a result of the flooding and damage caused by Hurricane Gustav, agencies should consider delaying all non-essential TDY and relocation to the affected area for a period of 30 days. This is especially important with relocation travel because the 120-day maximum for TQSE cannot be extended due to statutory restrictions. Given the flooding and damage caused by the storm, we cannot effectively determine the extent to which the ability to secure lodgings will be compromised. In this case, each agency may determine whether this Bulletin applies to travel to areas which are impacted by Hurricane Gustav.

B. Procedures

Bulletins regarding the Federal Travel Regulation are located on the Internet at *www.gsa.gov/bulletin* as Federal Travel Regulation bulletins.

Dated: September 3, 2008.

Becky Rhodes,

Deputy Associate Administrator.

[FR Doc. E8–21071 Filed 9–10–08; 8:45 am]

BILLING CODE 6820–14–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–New; 30-day notice]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The

necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov*, or call the Reports Clearance Office on (202) 690–5683. Send written comments and recommendations for the proposed information collections within 30 days of this notice directly to the OMB Desk Officer; via fax to 202–395–6974.

Proposed Project: Evaluation of HIV Prevention Program for Women—OMB No. 0990–New—Office on Women's Health (OWH).

Abstract: OWH is seeking a new clearance to conduct data collection activities associated with the three-year evaluation of HIV/AIDS prevention programs at minority institutions for college women. The evaluation will assess the effectiveness of gender-centered HIV prevention models employed to address the needs of college women attending six (6) Historically Black Colleges and Universities, four (4) Hispanic Serving Institutions, and two (2) Tribal Colleges and Universities. Evaluation data will assess the extent to which gender sensitive interventions employed by these institutions impact HIV/AIDS related knowledge, attitudes and risk behaviors. Results of the evaluation will identify the prevention outcomes for college women and the larger campus population. The program goals are to (1) identify effective methods to educate and increase awareness for prevention of HIV/AIDS and STD's; (2) develop capacity for young, minority women to address prevention education on campus; (3) establish partnerships and student organizations to increase health education, risk reduction, counseling, HIV/STD testing and (4) to ensure that the education is culturally and linguistically appropriate for young, minority women. HIV intervention recipients will complete a survey at pretest, post-test and follow-up that assesses their HIV/AIDS knowledge, risk behaviors and gender specific attitudes. Student data will be submitted on a quarterly basis. Peer facilitators/health educators will participate in a yearly interview and project implementation staff will participate in individual interviews twice during each program year that assesses their experiences with the program.

ESTIMATED ANNUALIZED BURDEN TABLE

Forms (if necessary)	Type of respondent	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Prevention Education: Pre-test Questionnaire	Student	660	1	20/60	220
Prevention Education: Post-test Questionnaire	Student	660	1	20/60	220
Prevention Education: Follow-up	Student	660	1	20/60	220
Process Interview: Program Directors	Program Directors	14	2	1.5	42
Process Interview: Program Staff	Program Staff	12	2	45/60	18
	Program Staff	12	55	15/60	165
Process Interview: Peer Educators	Peer Educators	50	1	30/60	25
Total					910

Seleda Perryman,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. E8–21119 Filed 9–10–08; 8:45 am]

BILLING CODE 4150–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Communities Empowering Youth (CEY) Program Evaluation.

OMB No.: 0970–0335.

Description: This proposed information collection activity is to obtain information from Communities Empowering Youth (CEY) grantee agencies and the faith-based and community organizations working in partnership with them. The CEY evaluation is an important opportunity to examine the outcomes achieved through this component of the Compassion Capital Fund in meeting its objective of improving the capacity of faith-based and community organizations and the partnerships they form to increase positive youth development and address youth violence, gang involvement, and child abuse/neglect. The evaluation will be designed to assess changes and improvements in the structure and functioning of the partnership and the organizational capacity of each participating organization. The purpose of this request will be to revise the approved baseline instruments for follow-up data collection.

Respondents: CEY grantees and the faith-based and community organizations that are a part of the partnership approved under the CEY grant.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response (minutes)	Total burden hours
2009 Follow-up Survey.	464	1	45	348
2010 Follow-up Survey	143	1	45	107.25

Estimated Total Annual Burden Hours: 455.25

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447. Attn: ACF Reports Clearance Officer. E-mail address: *OPREinfocollection@acf.hhs.gov*. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: September 4, 2008.

Brendan C. Kelly,

OPRE Reports Clearance Officer.

[FR Doc. E8–21007 Filed 9–10–08; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0132]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; State Petitions for Exemption from Preemption

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''State Petitions for Exemption from Preemption'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Jonna Capezzuto, Office of Information Management (HFA–710), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–796–3794.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 16, 2008 (73 FR 34024), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0277. The approval expires on August 31, 2011. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain*.

Dated: September 4, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–21020 Filed 9–9–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2006–N–0178] (formerly Docket No. 2006N–0362)

Draft Guidance for Industry and Food and Drug Administration Staff; Class II Special Controls Guidance Document: Absorbable Hemostatic Device; Availability; Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening until October 14, 2008, the comment period for a draft guidance entitled ''Class II Special Controls Guidance Document: Absorbable Hemostatic Device.'' The draft guidance describes a means by which the absorbable hemostatic device may comply with the requirements of special controls if it is reclassified. FDA is reopening the comment period to update comments and to receive any new information. Elsewhere in this issue of the **Federal Register**, FDA is reopening the comment period on a proposed rule to reclassify the absorbable hemostatic device from class III (premarket approval) into class II (special controls).

DATES Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the agency considers your comments on this draft guidance before it begins work on the final version of the guidance, submit written or electronic comments on the draft guidance October 14, 2008.

ADDRESS: Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.regulations.gov*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: David Krause, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 240–276–3638.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of October 31, 2006 (71 FR 63728), FDA published a proposed rule to reclassify the absorbable hemostatic device intended to produce hemostasis from class III (premarket) into class II (special controls). In the same issue of the **Federal Register** (71 FR 63774), FDA published a notice of availability of a draft guidance document entitled ''Class II Special Controls Guidance Document: Absorbable Hemostatic Device.'' FDA invited interested persons to comment on the draft guidance document by January 29, 2007. In the **Federal Register** of May 8, 2007 (72 FR 26134), FDA published a notice reopening the comment period for 30 days.

On July 2, 2007, FDA received a petition under 21 CFR 10.30 and 10.35 requesting that the agency refrain from issuing a final regulation for the proposed reclassification and the draft special controls guidance for the absorbable hemostatic device until an updated and complete administrative record is made available to the public. The petitioner also requested that FDA reopen the rulemaking for the proposed reclassification to allow submission of comments based on the administrative record. Elsewhere in this issue of the **Federal Register**, FDA is reopening the comment period on the proposed rule for 30 days. Because the issues presented by the guidance document are intertwined with those presented by the proposed rule, FDA is reopening the comment period on the guidance document for the same period.

II. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by using the Internet. To receive the draft guidance document entitled ''Class II Specials Controls Document: Absorbable Hemostatic Device,'' you may either send an e-mail request to *dsmica@fda.hhs.gov* to receive an electronic copy of the document, or send a fax request to 240–276–3151 to receive a hard copy. Please use the document number 1558 to identify the guidance you are requesting.

CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with Internet access. Updated on a regular basis, the CDRH home page includes device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers'' addresses), small manufacturer'' assistance, information on video conferencing and electronic submissions, Mammography Matters, and other device-oriented information. The CDRH Web site may be accessed at *http://www.fda.gov/cdrh*. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/cdrh/guidance.html*. Guidance documents are also available at *http://www.regulations.gov*.

III. Request for Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments on the draft guidance document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m. Monday through Friday.

Please note that on January 15, 2008, the FDA Division of Dockets Management Web site transitioned to the Federal Dockets Management System (FDMS). FDMS is a Government-wide, electronic docket management system. Electronic comments submissions will be accepted by FDA through FDMS only.

Dated: September 4, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E8–21197 Filed 9–10–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0475]

Request for Notification From Industry Organizations Interested in Participating in Selection Process for Nonvoting Industry Representatives on Public Advisory Panels or Committees and Request for Nonvoting Industry Representatives on Public Advisory Panels or Committees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting that any industry organization interested in participating in the selection of nonvoting industry representatives to serve on the Devices Good Manufacturing Practice Advisory Committee (DGMPAC) and certain device panels of the Medical Devices Advisory Committee in the Center for Devices and Radiological Health notify FDA in writing. A nominee may either be self nominated or nominated by an organization to serve as a nonvoting industry representative. Nominations will be accepted for current vacancies effective with this notice.

DATES: Any industry organizations interested in participating in the selection of an appropriate nonvoting member to represent industry interests must send a letter stating that interest to FDA by October 14, 2008, for the vacancies listed in this notice. Concurrently, nomination materials for prospective candidates should be sent to FDA by October 14, 2008.

ADDRESSES: All letters of interest and nominations should be sent to Kathleen L. Walker (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Kathleen L. Walker, Center for Devices and Radiological Health (HFZ–17), Food and Drug Administration, 7520 Standish Pl. (MPN1), Rockville, MD 20855, 240–276–8938, e-mail: *kathleen.walker@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: The agency intends to add nonvoting industry representatives to the following advisory committees:

I. CDRH—Various Committees and Panels

A. Devices Good Manufacturing Practice Advisory Committee (DGMPAC)

Section 520 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360(j)), as amended, provides that the DGMPAC shall be composed of two representatives of interests of the device manufacturing industry.

B. Medical Devices Advisory Committee

Section 520(f)(3) of the act, as amended by the Medical Device Amendments of 1976, provides that each medical device panel include one nonvoting member to represent the interests of the medical device manufacturing industry.

II. CDRH—Committee and Panels Functions

FDA is requesting nominations for nonvoting members representing industry interests for the following vacancies listed in table 1 of this document.

TABLE 1.

Committee Name or Panel	Approximate Date Needed
DGMPAC—The functions of the committee are to review proposed regulations issuance regarding good manufacturing practices governing the methods used in, and the facilities and controls used for manufacture, packaging, storage, installation, and servicing of devices, and make recommendations regarding the feasibility and reasonableness of those proposed regulations. The committee also reviews and makes recommendations on proposed guidelines developed to assist the medical device industry in meeting the good manufacturing practice requirements, and provides advice with regard to any petition submitted by a manufacturer for an exemption or variance from good manufacturing practice regulations.	Immediately
Certain Panels of the Medical Devices Advisory Committee—The medical device panels perform the following functions: (1) Review and evaluate data on the safety and effectiveness of marketed and investigational devices and make recommendations for their regulation, (2) advise the Commissioner of Food and Drugs (the Commissioner) regarding recommended classification or reclassification of these devices into one of three regulatory categories, (3) advise on any possible risks to health associated with the use of devices, (4) advise on formulation of product development protocols, (5) review premarket approval applications for medical devices, (6) review guidelines and guidance documents, (7) recommend exemption to certain devices from the application of portions of the act, (8) advise on the necessity to ban a device, (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices, and (10) make recommendations on the quality in the design of clinical studies regarding the safety and effectiveness of marketed and investigational devices.	
Circulatory System Devices Panel	July 1, 2009
Ear, Nose and Throat Devices Panel	November 1, 2008
Neurological Devices Panel	December 1, 2008
Obstetrics and Gynecology Devices Panel	February 1, 2009

III. Selection Procedure

Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent industry interests should send a letter stating that interest to the contact person (see **FOR FURTHER INFORMATION CONTACT**) within 30 days of publication of this notice. Within the subsequent 30 days, FDA will send a letter to each organization that has expressed an interest, attaching a complete list of all such organizations, and a list of all nominees along with their current resumes. The letter will also state that it is the responsibility of the interested organizations to confer with one another and to select a candidate, within 60 days after the receipt of the FDA letter, to serve as the nonvoting member to represent industry interests for a particular committee or device panel. The interested organizations are not bound by the list of nominees in selecting a candidate. However, if no individual is selected within the 60 days, the Commissioner will select the nonvoting member to represent industry interests.

IV. Qualifications

A. DGMPAC

Persons nominated for membership as an industry representative on the DGMPAC should possess appropriate qualifications to understand and contribute to the committee's work. The particular needs for this committee are listed in section II of this document.

B. Medical Devices Advisory Committee

Persons nominated for the device panels should be full-time employees of firms that manufacture products that would come before the panel, or consulting firms that represent manufacturers, or have similar appropriate ties to industry.

V. Application Procedure

Individuals may self nominate and/or an organization may nominate one or more individuals to serve as a nonvoting industry representative. A current curriculum vitae and the name of the committee or panel of interest should be sent to the FDA contact person (see **FOR FURTHER INFORMATION CONTACT**) within 30 days. FDA will forward all nominations to the organizations expressing interest in participating in the selection process for the committee or panel. (Persons who nominate themselves as nonvoting industry representatives will not participate in the selection process).

FDA has a special interest in ensuring that women, minority groups, individuals with physical disabilities, and small businesses are adequately represented on its advisory committees, and therefore, encourages nominations for appropriately qualified candidates from these groups.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: September 3, 2008.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E8–21016 Filed 9–10–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Center for Research Resources Special Emphasis Panel, October 15, 2008, 1 p.m. to October 15, 2008, 4 p.m., National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892, which was published in the **Federal Register** on August 11, 2008, 73 FR N155.

The previously announced teleconference meeting will now be held as a regular meeting at the Hilton Washington/Rockville Hotel, 1750 Rockville Pike, Rockville, MD 20852. The meeting is closed to the public.

Dated: September 4, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–21038 Filed 9–10–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Stress, Immune Dysfunction and Thrombosis in Patients with Gastroparesis.

Date: October 15, 2008.

Time: 12 p.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Xiaodu Guo, MD, PhD., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Retinopathy in Chronic Renal Insufficiency.

Date: October 17, 2008.

Time: 2:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Xiaodu Guo, MD, Phd., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Identifying Disease Variants for Familial Crohn's Disease.

Date: October 17, 2008.

Time: 12 p.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Xiaodu Guo, MD, PhD., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Nephrolithiasis Program Projects.

Date: October 22, 2008.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Atul Sahai, Phd., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–2242, *sahaia@niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, DDPOS U01 Review.

Date: November 24–25, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: D. G. Patel, Phd., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7682, *pateldg@niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: September 4, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–21040 Filed 9–10–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Mental Health Services Applications.

Date: October 7, 2008.

Time: 5 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Marina Broitman, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6153, MSC 9608, Bethesda, MD 20892–9608, 301–402–8152, *mbroitma@mail.nih.gov*.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Eating Disorders.

Date: October 21, 2008.

Time: 12:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: David I. Sommers, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6154, MSC 9609, Bethesda, MD 20892–9606, 301–443–7861, *dsommers@mail.nih.gov*.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Personalized Approaches to Treatment of Depression.

Date: November 3, 2008.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: David I. Sommers, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6154, MSC 9609, Bethesda, MD 20892–9606, 301–443–7861, *dsommers@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: September 4, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–21041 Filed 9–10–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2008–0079]

Privacy Act of 1974; U.S. Immigration and Customs Enforcement Bond Management Information System (BMIS) System of Records

AGENCY: Privacy Office, DHS.

ACTION: Notice of Privacy Act system of records.

SUMMARY: In accordance with the Privacy Act of 1974 and as part of the Department of Homeland Security's ongoing effort to review and update legacy system of record notices, U.S. Immigration and Customs Enforcement (ICE) proposes to republish a legacy record system titled Justice/INS.008, Bond Management Information System (63 FR 70159, Dec. 18, 1998) as an ICE system of records titled Bond Management Information System. Categories of individuals, categories of records, and the routine uses of this legacy system of records notice has been consolidated and updated to better reflect the agency's immigration bond administration and financial management records. This system will be included in the Department of Homeland Security's inventory of record systems. ICE is not claiming any Privacy Act exemptions for this system of records.

DATES: The established system of records will be effective October 14, 2008. Written comments must be submitted on or before October 14, 2008.

ADDRESSES: You may submit comments, identified by docket number DHS–2008–0079 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 1–866–466–5370.
- *Mail:* Hugo Teufel III, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.
- *Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided.
- *Docket:* For access to the docket to read background documents or comments received go to *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Lyn Rahilly (202–514–1900), Privacy Officer, U.S. Immigration and Customs Enforcement, 425 I Street, NW., Washington, DC 20536, or Hugo Teufel III (703–235–0780), Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

The Bond Management Information System (BMIS) is a collection of records used to record and maintain for bond administration and financial management purposes the immigration bonds that are posted for aliens. Immigration bond administration includes tracking the issuance, maintenance, cancellation, and revocation of bonds. Financial management activities include collection, reimbursement or forfeiture of the bond principal, and calculation and payment of interest, including issuance of IRS Form 1099 to the obligor reflecting interest paid on the bond. Pursuant to the savings clause in the Homeland Security Act of 2002, Public Law 107–296, section 1512, 116 Stat. 2310 (November 25, 2002), DHS and its components and offices have relied on preexisting Privacy Act systems of records notices for the maintenance of records that concern the administration and financial management operations of ICE's immigration bond program.

The BMIS system of records includes immigration bond data maintained in ICE's enforcement records and in BMIS Web, a new immigration bond management database that will be used by the ICE Office of Financial Management to track the life cycle of immigration bonds from the time an individual posts the bond at an ICE Detention and Removal Operations (DRO) field office until the bond is considered closed. BMIS Web launched as a pilot in August 2008, with full deployment scheduled for September 2008. With the deployment of BMIS Web, ICE will retire the predecessor database known as BMIS. A PIA was conducted on BMIS Web because it is a new system that will maintain personally identifiable information. The BMIS Web PIA is available on the Department of Homeland Security (DHS) Privacy Office Web site at *http://www.dhs.gov/privacy*.

An immigration bond is a formal written guaranty by the obligor posted as security for the amount of the bond that assures DHS that all of the conditions of the bond will be fulfilled by the obligor as guarantor. Immigration bonds may be posted for the release from detention of aliens in removal proceedings and/or as voluntary departure bonds. Immigration bonds may be posted by surety companies that have obtained a certificate to do so from the U.S. Treasury Department, or by an individual's or entity's pledge (deposit) of cash or U.S. securities. If the conditions of a bond are satisfied, the bond must be cancelled and, if a cash bond, the principal and accrued interest returned to the obligor. If a bond is declared breached, the cash deposited as security will be forfeited and accrued interest returned to the obligor. Surety companies must make payment to DHS for the full amount of the bond plus interest and penalties. All of these bond activities are tracked in BMIS.

BMIS maintains personal information about individuals who post cash bonds (known as obligors) or who request a surety bond (known as indemnitors), the bonded alien, the surety company and bonding agency/agent, and other general information about the bond itself, such as amount, number, date, etc. Information about the bonded alien may be shared with individuals or entities seeking to post or that have already posted an immigration bond for the

alien. BMIS information is also shared with the Internal Revenue Service to report any interest paid to obligors. Information about surety bonds may be shared with Department of Justice legal counsel; the U.S. Treasury Department; insurance investigators for surety companies; or bonding agencies and legal representatives for surety companies and bonding agencies. This information is shared when ICE is pursuing further collection efforts on the surety bond receivables or if an agent or bonding agency that posts surety bonds is being investigated for its business practices.

Consistent with DHS's information sharing mission, information stored in BMIS may be shared with other DHS components, as well as appropriate Federal, State, local, tribal, foreign, or international government agencies. This sharing will only take place after DHS determines that the receiving component or agency has a need to know the information to carry out national security, law enforcement, immigration, intelligence, or other functions consistent with the routine uses set forth in this system of records notice.

II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which the United States Government collects, maintains, uses, and disseminates personally identifiable information. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency for which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass United States citizens and lawful permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals where systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DHS by complying with DHS Privacy Act regulations, 6 CFR Part 5.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the type and character of each system of records that the agency maintains, and the routine uses that are contained in each system in order to make agency record keeping practices transparent, to notify individuals regarding the uses to which personally identifiable information is put, and to assist individuals to more easily find such files within the agency. Below is the description of the BMIS system of records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this new system of records to the Office of Management and Budget and to Congress.

SYSTEM OF RECORDS

DHS/ICE–004.

SYSTEM NAME:

Bond Management Information System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at U.S. Immigration and Customs Enforcement (ICE) Headquarters in Washington, DC; ICE Office of Financial Management facilities in Williston, Vermont; and ICE field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include: Individuals who post cash immigration bonds for aliens (known as obligors); aliens for whom an immigration bond is posted (known as bonded aliens); individuals that arrange for the posting of surety bonds for aliens (known as indemnitors); individual bond agents who post surety bonds; and notaries public and attorneys.

CATEGORIES OF RECORDS IN THE SYSTEM:

For the Obligor: Name; Social Security Number/Tax Identification Number; address; phone number.

For the Bonded Alien: Name; alien number; location (while in detention); Address(es) and phone number of residence upon release; date and country of birth; nationality; and date and port of arrival;

For the Indemnitor: Name; address(es); and phone number.

For the Bonding Agent: Name; Tax Identification Number; address(es); and phone number.

General bond information, including: bond number; bond amount; securities pledged; bond types; bond status; location and date of posted bond; dates for bond-related activities, such as declaration of breach; names and titles of DHS officials that approve, cancel, or declare breaches of bonds; names and contact information for notary public and attorney in fact; information such as dates, forms, status and outcome, concerning motions to reconsider a breach or cancellation of bonds; and information such as dates, forms, status and outcome, about bond-related appeals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 103, 213, 236, 240B, and 293 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103, 1183, 1226, 1229c, and 1363, respectively).

PURPOSE(S):

The purpose of this system is to maintain records related to the administration and financial management operations of ICE's immigration bond program. Immigration bond administration includes the issuance, maintenance, cancellation, and revocation of bonds. Financial management operations include collection, reimbursement or forfeiture of the bond principal, and calculation and payment of interest, including issuance of IRS Form 1099 to the obligor reflecting interest paid on the bond.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when (1) DHS or any component thereof; (2) any employee of DHS in his/her official capacity; (3) any employee of DHS in his/her individual capacity where DOJ or DHS has agreed to represent the employee; or (4) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation; and DHS determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which DHS collected the records.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration or other Federal government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency, organization, or individual for the purpose of performing

audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when (1) ICE suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) ICE has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by ICE or another agency or entity) that rely upon the compromised information, or harm to the individual; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with ICE's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate Federal, State, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To the U.S. Treasury Department to facilitate payments owed to obligors and for the reporting of interest payments to the Internal Revenue Service.

I. To the Department of Justice, the U.S. Treasury Department, other appropriate Federal agencies, State insurance regulators, credit bureaus, debt collection agencies, legal representatives for surety companies and bonding agencies, and insurance investigators to provide information relevant to (1) investigations of an agent or bonding agency that posts surety bonds, or (2) activities related to collection of unpaid monies owed to the U.S. Government on immigration bonds.

J. To agencies, individuals, or entities as necessary to locate individuals who are owed money or property connected with the issuance of an immigration bond.

K. To an individual or entity seeking to post or arrange, or who has already posted or arranged, an immigration bond for an alien to aid the individual or entity in (1) identifying the location of the alien, or (2) posting the bond, obtaining payments related to the bond, or conducting other administrative or financial management activities related to the bond.

L. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with legal counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of DHS or is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made from this system to consumer reporting agencies in accordance with 31 U.S.C. 3711(e).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, digital media, and CD–ROM.

RETRIEVABILITY:

Records may be retrieved by any of the following: bond number, Social Security or Tax Identification Numbers (SSN/TIN), alien name, alien number, obligor name, surety company name, or location and date bond was posted.

SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer systems containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions. The system maintains a real-time auditing function of individuals who access electronic records. Additional safeguards may vary by component and program.

RETENTION AND DISPOSAL:

Under the existing retention schedule, information is retained for six years and three months after the bond is closed or cancelled and the collateral is returned to the obligor. Copies of the Form I–352 (Immigration Bond) are placed into the alien's A-File and maintained for the life of that file (75 years).

SYSTEM MANAGER AND ADDRESS:

Director, Financial Systems Modernization, 800 K Street, NW., Washington, DC 20536; Director, Office of Detention and Removal, 425 I Street, NW., Washington, DC 20536.

NOTIFICATION PROCEDURE:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the component's FOIA Officer, whose contact information can be found at *http://www.dhs.gov/foia* under ''contacts.'' If an individual believes more than one component maintains Privacy Act records concerning him or her the individual may submit the request to the Chief Privacy Officer, Department of Homeland Security, 245 Murray Drive, SW., Building 410, STOP–0550, Washington, DC 20528.

When seeking records about yourself from this system of records or any other Departmental system of records your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty or perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Director, Disclosure and FOIA, *http://www.dhs.gov* or 1–866–431–0486. In addition you should provide the following:

- An explanation of why you believe the Department would have information on you,

• Identify which component(s) of the Department you believe may have the information about you,

• Specify when you believe the records would have been created,

• Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records,

• If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the component(s) will not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Information is obtained from individuals, entities, indemnitors, surety companies, and bonding agencies and agents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: September 3, 2008.

John W. Kropf,

Acting Chief Privacy Officer, Department of Homeland Security.

[FR Doc. E8–21075 Filed 9–10–08; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice; 60-day notice and request for comments; Extension, without change, of a currently approved collection, OMB Number 1660–0024, No Form.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning FEMA's request for information from the licensee of a nuclear power plant that is needed in order to form a decision as to whether or not a condition of ''decline or fail'' exists at the state and local government level in the preparation of emergency planning responses.

SUPPLEMENTARY INFORMATION: Executive Order 12657, dated November 18, 1988, charged the Federal Emergency Management Agency (FEMA) and other Federal agencies with emergency planning response in cases where State and local governments have declined or failed to prepare emergency plans. To implement Executive Order 12657, FEMA worked with the Nuclear Regulatory Commission (NRC) and other Federal agencies on the Federal Radiological Preparedness Coordinating Committee to develop regulation 44 CFR 352, Commercial Nuclear Power Plants: Emergency Preparedness Planning. This regulation establishes policies and procedures for a licensee submission of a certification of ''decline or fail,'' and for FEMA determination concerning Federal assistance to the licensee; and also establishes policies and procedures for providing Federal support for offsite planning and preparedness.

Collection of Information

Title: Federal Assistance for Offsite Radiological Emergency Planning.

Type of Information Collection: Extension, without change, of a currently approved collection.

OMB Number: 1660–0024.

Form Numbers: No Form

Abstract: In accordance with Executive Order 12657, FEMA will need certain information from the licensee in order to form a decision as to whether or not a condition of ''decline or fail'' exists on the part of State or local governments (44 CFR 352.3–4). This information will be collected by the appropriate FEMA Regional Office or Headquarters. Also in accordance with the Executive Order, when a licensee requests Federal facilities or resources, FEMA will need information from the NRC as to whether the licensee has made maximum use of its resources and the extent to which the licensee has complied with 10 CFR 50.47 (c)(1) and 44 CFR 352.5. This information will be collected by the NRC and will be provided to FEMA through consultation between the two agencies.

Affected Public: Business or other for-profits.

Estimated Total Annual Burden Hours: 160 hours.

TABLE A.12—ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS

Type of respondent	Form name/ form No.	Number of respondents	Number of responses per respondent	Avg. burden per response (in hours)	Total annual burden (in hours)	Avg. hourly wage rate	Total annual respondent cost
Business or other for profits.	Submission of decline/fail certification—No Form number.	1	1	40	40	$46.70	$1868
Business or other for profits.	Document with explanation of why assistance needed.	1	1	20	20	46.70	934
Business or other for profits.	Document with response of State Governor or local official with emergency preparedness plans.	1	1	40	40	46.70	1868

TABLE A.12—ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS—Continued

Type of respondent	Form name/ form No.	Number of respondents	Number of responses per respondent	Avg. burden per response (in hours)	Total annual burden (in hours)	Avg. hourly wage rate	Total annual respondent cost
Business or other for profits.	Document with licensee's maximum feasible use of its resources.	1	1	30	30	46.70	1401
Business or other for profits.	Document with details of efforts to secure use of State and local government volunteer resources.	1	1	30	30	46.70	1401
Total	.....	1	.....	.....	160	.....	7,472

Estimated Cost: The estimated annualized cost to respondents based on wage rate categories is $7,472.00. The estimated annual cost to the Federal Government is $4,171.00.

Comments: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. Comments must be submitted on or before November 10, 2008.

ADDRESSES: Interested persons should submit written comments to Office of Management, Records Management Division, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, Mail Drop Room 301.

FOR FURTHER INFORMATION CONTACT: Contact D.J. Mauldin, Project Officer, Technological Hazards Division, Radiological Emergency Preparedness Branch, at (202) 212–2311 for additional information. You may contact the Records Management Branch for copies of the proposed collection of information at facsimile number (202) 646–3347 or e-mail address: *FEMA-Information-Collections@dhs.gov*.

Dated: September 4, 2008.

John A. Sharetts-Sullivan,

Director, Records Management Division, Office of Management, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E8–21133 Filed 9–10–08; 8:45 am]

BILLING CODE 9110–21–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice; 30-day notice and request for comments; Revision of a currently approved collection, OMB Number 1660–0040, FEMA Form 81–93.

SUMMARY: The Federal Emergency Management Agency (FEMA) has submitted the following information collection to the Office of Management and Budget (OMB) for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission describes the nature of the information collection, the categories of respondents, the estimated burden (*i.e.*, the time, effort and resources used by respondents to respond) and cost, and includes the actual data collection instruments FEMA will use. FEMA is revising this collection to include the increase in respondents forecasted to respond to this information collection.

Collection of Information

Title: Standard Flood Hazard Determination Form.

OMB Number: 1660–0040.

Abstract: On September 23, 1994, the President signed the Riegle Community Development and Regulatory Improvement Act of 1994. Title V of this Act is the National Flood Insurance Reform Act (NIFRA). Section 528 of the NIFRA requires that FEMA develops a standard hazard determination form for recording the determination of whether a structure is located within an identified a Special Flood Hazard Area and whether flood insurance is available. Section 528 of the NIFRA also requires the use of this form by regulating lending institutions, federal agent lenders, the Federal National Association, the Federal Home Loan Mortgage Corporation, and the Government National Mortgage Association for any loan made, increased, extended, renewed, or purchased by these entities.

Affected Public: Business or other for-profit.

Number of Respondents: 46,456,460. The number of respondents has been increased since publication of the 60-day **Federal Register** Notice at 73 FR 30960, May 29, 2008.

Estimated Time per Respondent: 0.33 hours.

Estimated Total Annual Burden Hours: 15,330,632. The total Annual Burden Hours has increased since publication of the 60-day **Federal Register** Notice at 73 FR 30960, May 29, 2008.

Frequency of Response: On occasion.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed

to (202) 395–6974. Comments must be submitted on or before October 14, 2008.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street, SW., Washington, DC 20472, Mail Drop Room 301, facsimile number (202) 646–3347, or e-mail address *FEMA-Information-Collections@dhs.gov*.

Dated: September 5, 2008

John A. Sharetts-Sullivan,

Director, Records Management Division, Office of Management, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E8–21136 Filed 9–10–08; 8:45 am]

BILLING CODE 9110–11–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2008–0010]

National Fire Academy Board of Visitors

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee Management; Notice of Open Federal Advisory Committee Meeting.

SUMMARY: The National Fire Academy Board of Visitors will meet on October 2–4, 2008.

DATES: The meeting will take place Thursday, October 2, 2008, from 8:30 a.m. to 4 p.m., e.s.t.; Friday, October 3, 2008, from 9 a.m. to 5 p.m., e.s.t.; and Saturday, October 4, 2008, from 9 a.m. to 11:30 a.m., e.s.t. Comments must be submitted by Thursday, October 9, 2008.

ADDRESSES: Members of the public who wish to obtain information for the public meeting may contact Teressa Kaas as listed in the **FOR FURTHER INFORMATION CONTACT** section by September 30, 2008. Members of the public may participate by coming to the National Emergency Training Center, Building H, Room 300, Emmitsburg, Maryland. Members of the general public who plan to participate in the meeting should contact Teressa Kaas as listed in the **FOR FURTHER INFORMATION CONTACT** section, on or before September 30, 2008. Requests to have written material distributed to each member of the committee prior to the meeting should reach the contact person at the address below by September 30, 2008. Send written material to Teressa Kaas, 16825 South Seton Avenue, Emmitsburg, Maryland 21727. Comments must be identified by Docket ID FEMA–2008–0010 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *E-mail: FEMA-RULES@dhs.gov*. Include Docket ID in the subject line of the message.
- *Fax:* (866) 466–5370.
- *Mail:* Teressa Kaas, 16825 South Seton Avenue, Emmitsburg, Maryland 21727.

Instructions: All submissions received must include the Docket ID for this action. Comments received will be posted without alteration at *www.regulations.gov*, including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the National Fire Academy Board of Visitors, go to *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Teressa Kaas, 16825 South Seton Avenue, Emmitsburg, Maryland 21727, telephone (301) 447–1117, fax (301) 447–1173, and e-mail *teressa.kaas@dhs.gov*.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. (Pub. L. 92–463). The National Fire Academy Board of Visitors will be holding a meeting for purposes of reviewing U.S. Fire Administration/National Fire Academy Program activities, including the status of campus maintenance and capital improvements, the budget update, the annual Ethics Briefing, the Learning Management System update, the National Fire Programs update, the Education, Training and Partnerships update, the Academy update, and Board discussions and new items. This meeting is open to the public.

The Chairperson of the National Fire Academy Board of Visitors shall conduct the meeting in a way that will, in his judgment, facilitate the orderly conduct of business. During its meeting, the committee welcomes public comment; however, comments will be permitted only during the public comment period. The Chairperson will make every effort to hear the views of all interested parties. Please note that the meeting may end early if all business is completed.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Teressa Kaas as soon as possible.

Dated: September 5, 2008.

Denis G. Onieal,

Superintendent, National Fire Academy, U.S. Fire Administration, Federal Emergency Management Agency.

[FR Doc. E8–21127 Filed 9–10–08; 8:45 am]

BILLING CODE 9110–17–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5250–N–01]

Allocations and Common Application and Reporting Waivers Granted to and Alternative Requirements for Midwest Flood Community Development Block Grant (CDBG) Disaster Recovery Grantees Under the Supplemental Appropriations Act, 2008

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of allocations, waivers, and alternative requirements.

SUMMARY: This Notice advises the public of the initial allocation for grant funds for CDBG disaster recovery grants for the purpose of assisting in the recovery in areas covered by a declaration of major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) as a result of recent natural disasters. As described in the **SUPPLEMENTARY INFORMATION** section of this Notice, HUD is authorized by statute and regulations to waive statutory and regulatory requirements and specify alternative requirements for this purpose, upon the request of the state grantees. This Notice also describes the common application, eligibility, and administrative waivers and the common alternative and statutory requirements for the grants.

DATES: *Effective Date:* September 16, 2008.

FOR FURTHER INFORMATION CONTACT: Jessie Handforth Kome, Director, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, Department of Housing and Urban Development, 451 7th Street, SW., Room 7286, Washington, DC 20410, telephone number 202–708–3587. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at 800–877–

8339. Facsimile inquiries may be sent to Ms. Kome at 202–401–2044. (Except for the ''800'' number, these telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

Authority To Grant Waivers

The Supplemental Appropriations Act, 2008 (Pub. L. 110–252, approved June 30, 2008) (Supplemental Appropriations Act) appropriates $300 million, to remain available until expended, in CDBG funds for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a declaration of major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) as a result of recent natural disasters. The Supplemental Appropriations Act authorizes the Secretary to waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or use by the recipient of these funds and guarantees, except for requirements related to fair housing, nondiscrimination, labor standards, and the environment (including requirements concerning lead based paint), upon a request by the state and a finding by the Secretary that such a waiver would not be inconsistent with the overall purpose of the statute. Additionally, regulatory waiver authority is provided by 24 CFR 5.110, 91.600, and 570.5. The following application and reporting waivers and alternative requirements are in response to requests from each of the states receiving an allocation under this Notice.

The Secretary finds that the following waivers and alternative requirements, as described below, are not inconsistent with the overall purpose of Title I of the Housing and Community Development Act of 1974, as amended (HCD Act), or the Cranston-Gonzalez National Affordable Housing Act, as amended.

Under the requirements of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act), regulatory waivers must be justified and published in the **Federal Register**.

Except as described in this Notice, statutory and regulatory provisions governing the CDBG program for states, including those at 24 CFR part 570, shall apply to the use of these funds. In accordance with the Supplemental Appropriations Act, HUD will reconsider every waiver in this Notice on the two-year anniversary of the day this Notice is published.

Additional Waivers

Each state receiving an allocation may request additional waivers from the Department as needed to address the specific needs related to that state's recovery activities. The Department will respond separately to the state's requests for waivers of provisions not covered in this Notice, after working with the state to tailor the program to best meet the unique disaster recovery needs in its impacted areas.

Allocations

The Supplemental Appropriations Act provides $300 million of supplemental appropriation for the CDBG program for:

> Necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a declaration of major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) as a result of recent natural disasters.

The law further notes:

> That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each state. Provided further, that funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a state under this heading: Provided further, that each state may use up to five percent of its allocation for administrative costs.

HUD computes allocations based on data that is generally available covering all the eligible affected areas. Two challenges arose in making this allocation. First, the statute gave very little guidance on what states are to receive funding, so HUD had to determine the eligible universe of grantees. The appropriation calls for funding ''recent natural disasters.'' Since this appropriation was enacted on June 30, 2008, and was developed while there was significant awareness of flooding in the Midwest, the Department's primary assumption was that the funds were targeted to the Midwest flooding. However, there were also several other severe storms, flooding, and tornado events that received major disaster declarations during the same time frame. There were no declared disasters in April 2008, which allows for a natural break and argues that ''recent disasters'' is most likely to be those occurring after this lull. Therefore, HUD is defining ''recent natural disasters'' to be all major natural disasters that occurred and were declared from May 1, 2008, through June 30, 2008. This would limit the eligibility for an allocation to disasters in the states shown below.

TABLE 1—FEDERALLY DECLARED DISASTERS IN MAY AND JUNE 2008

No.	Declared date	State	Title
1773	25-Jun-08	Missouri	Severe Storms and Flooding.
1772	25-Jun-08	Minnesota	Severe Storms and Flooding.
1771	24-Jun-08	Illinois	Severe Storms and Flooding.
1770	20-Jun-08	Nebraska	Severe Storms, Tornadoes, and Flooding.
1769	19-Jun-08	West Virginia	Severe Storms, Tornadoes, Flooding, Mudslides, and Landslides.
1768	14-Jun-08	Wisconsin	Severe Storms, Tornadoes, and Flooding.
1766	8-Jun-08	Indiana	Severe Storms and Flooding.
1763	27-May-08	Iowa	Severe Storms, Tornadoes, and Flooding.
1762	26-May-08	Colorado	Severe Storms and Tornadoes.
1760	23-May-08	Missouri	Severe Storms and Tornadoes.
1758	20-May-08	Arkansas	Severe Storms, Flooding, and Tornadoes.
1756	14-May-08	Oklahoma	Severe Storms, Tornadoes, and Flooding.
1755	9-May-08	Maine	Severe Storms and Flooding.
1753	8-May-08	Mississippi	Severe Storms and Flooding.

HUD is aware that other federal programs, such as Federal Emergency Management Agency (FEMA) Public Assistance and Small Business Administration (SBA) loans, exist to support disaster recovery. Compared to the number of major disaster declarations, the number of times Congress has appropriated CDBG supplemental disaster recovery funds is very small. The Department believes it is reasonable to limit the allocations to places experiencing a significant need for additional federal assistance to facilitate long-term recovery and generally applies a funding threshold, in this case, of $2 million. Thus, it is very likely that not all of the eligible universe will be funded.

The second challenge in allocating supplemental disaster appropriations is the trade off of a timely allocation versus having the most complete data needed to make a fully informed allocation. CDBG disaster recovery assistance is intended to fund long-term disaster recovery. States need to know relatively quickly how much they are to receive so that they can begin developing their recovery plans. However, a fair allocation generally depends on having good data similarly collected for all eligible states so that the needs of each state are fully taken into consideration. In this case, where funds were appropriated at a time when some of the disasters were still ongoing, the data for most disasters and thus most states is still incomplete. Complete data to make a full allocation may not be available until mid- to late September at the earliest. However, HUD believed it was unreasonable to hold funds that are currently needed as the Department waits for more complete data. As such, HUD is making a two-stage allocation: $100 million was allocated on August 4, 2008, to the three most affected states and the remaining funds will be allocated in mid-September or October when more complete data are available. Enough data were available from FEMA, SBA, and other sources to make reasonable initial allocation to the states with the most severe damage due to the incidents noted in the table above. The Department was concerned that the first stage of the two-stage allocation not over-fund a grantee. Currently, the Department can say with confidence that the following grants would not be over-funding the disaster recovery needs of the states receiving allocations.

State	Amount allocated
Indiana	$10,000,000
Iowa	85,000,000
Wisconsin	5,000,000

As soon as better data are available, HUD will compute allocations for the remaining $200 million and announce them. A state included in that announcement may immediately proceed to prepare and submit an Action Plan for disaster recovery in accordance with this Notice, although HUD will not be able to make the grant until the allocations are published in the **Federal Register**. Therefore, HUD commits to determining, announcing, and publishing the additional allocations swiftly once the data are available.

HUD will invite each grantee receiving an allocation under the Supplemental Appropriations Act to submit an Action Plan for Disaster Recovery in accordance with this Notice.

The Supplemental Appropriations Act requires funds be used only for disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a declaration of major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) as a result of recent natural disasters. The statute directs that each grantee will describe in its Action Plan for Disaster Recovery how the use of the grant funds will address long-term recovery and infrastructure restoration. HUD will monitor compliance with this direction and may be compelled to disallow expenditures if it finds uses of funds are not disaster-related, or funds allocated duplicate other benefits. HUD encourages grantees to contact their assigned HUD offices for guidance in complying with these requirements during development of their Action Plans for Disaster Recovery or if they have any questions regarding meeting these requirements.

As provided for in the Supplemental Appropriations Act, the funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency or the Army Corps of Engineers.

Prevention of Fraud, Abuse, and Duplication of Benefits

The Supplemental Appropriations Act also directs the Secretary to:

> Establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits.

To meet this directive, HUD is pursuing four courses of action. First, this Notice includes specific reporting, written procedures, monitoring, and internal audit requirements for grantees. Second, to the extent its resources allow, HUD will institute risk analysis and on-site monitoring of grantee management of the grants and of the specific uses of funds. Third, HUD will be extremely cautious in considering any waiver related to basic financial management requirements. The standard, time-tested CDBG financial requirements will continue to apply. Fourth, HUD is collaborating with the HUD Office of Inspector General to plan and implement oversight of these funds.

Waiver Justification

This section of the Notice briefly describes the basis for each waiver and related alternative requirements, if any.

Each state eligible for a disaster recovery grant receives annual CDBG allocations, has a consolidated plan, a citizen participation plan, a monitoring plan, and has made CDBG certifications. HUD encourages each CDBG disaster recovery grantee to carry out CDBG disaster recovery activities in the context of its ongoing community development program to the extent feasible (for example, by selecting activities consistent with the consolidated plan, by providing overall benefit to at least 70 percent low- and moderate-income persons, and by holding hearings or meetings to solicit public comment).

The waivers, alternative requirements, and statutory changes described in this Notice apply only to the CDBG supplemental disaster recovery funds appropriated in the Supplemental Appropriations Act, not to funds provided under the regular CDBG program. These actions provide additional flexibility in program design and implementation and implement statutory requirements unique to this appropriation.

Application for Allocations Under the Supplemental Appropriations Act

These waivers and alternative requirements streamline the pre-grant process and set the guidelines for states' applications for their allocations. HUD encourages each grantee that receives an allocation to submit an Action Plan for Disaster Recovery to HUD as soon as practicable following an allocation announcement.

Overall Benefit to Low- and Moderate-Income Persons

Pursuant to explicit authority in the Supplemental Appropriations Act, HUD

is granting an overall benefit waiver that allows for up to 50 percent of the grant to assist activities under the urgent need or prevention or elimination of slums and blight national objectives, rather than the 30 percent allowed in the annual state CDBG program. The primary objective of Title I of the Housing and Community Development Act and of the funding program of each grantee is ''development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income.'' The statute goes on to set the standard of performance for this primary objective at 70 percent of the aggregate of the funds used for support of activities producing benefit to low- and moderate-income persons. Since extensive damage to community structures and housing affected those with varying incomes, and income-producing jobs are often lost for a period of time following a disaster, HUD is waiving the 70 percent overall benefit requirement, leaving the 50 percent requirement, to give grantees even greater flexibility to carry out recovery activities within the confines of the CDBG program national objectives. HUD may only provide additional waivers of this requirement if it makes a finding of compelling need. The requirement that each activity meet one of the three national objectives is not waived.

Expanded Distribution and Direct Action

The waivers and alternative requirements allowing distribution of funds by a state to entitlement communities and Indian tribes, and to allow a state to carry out activities directly rather than distribute all funds to units of local government are consistent with waivers granted for previous, similar disaster recovery cases. HUD believes that, in using very similar statutory language to that used for the CDBG supplemental appropriations for Hurricane Katrina, Rita, and Wilma recovery, Congress is signaling its intent that the states under this appropriation also be able to carry out activities directly. Therefore, HUD is waiving program requirements to support this. HUD is also including in this Notice the necessary complementary waivers and alternative requirements related to subrecipients to ensure proper management and disposition of funds during the grant execution and at closeout.

Consistency With the Consolidated Plan

HUD is waiving the requirement for consistency with the consolidated plan because the effects of a major disaster usually alter a grantee's priorities for meeting housing, employment, and infrastructure needs. To emphasize that uses of grant funds must be consistent with the overall purposes of the HCD Act, HUD is limiting the scope of the waiver for consistency with the consolidated plan; it applies only until the grantee first updates its consolidated plan priorities following the disaster.

Action Plan for Disaster Recovery

HUD is waiving the CDBG action plan requirements and substituting an Action Plan for Disaster Recovery. This will allow rapid implementation of disaster recovery grant programs and ensure conformance with provisions of the Supplemental Appropriations Act. Where possible, the Action Plan for Disaster Recovery, including certifications, does not repeat common action plan elements the grantee has already committed to carry out as part of its annual CDBG submission. Although a state as the grantee may designate an entity or entities to administer the funds, the state is responsible for compliance with federal requirements. During the course of the grant, HUD will monitor the state's use of funds and its actions for consistency with the Action Plan. The state may submit an initial partial Action Plan and amend it one or more times subsequently until the Action Plan describes uses for the total grant amount. The state may also amend activities in its Action Plan.

Citizen Participation

The citizen participation waiver and alternative requirements will permit a more streamlined public process, but one that still provides for reasonable public notice, appraisal, examination, and comment on the activities proposed for the use of CDBG disaster recovery grant funds. The waiver removes the requirement at both the grantee and state grant recipient levels for public hearings or meetings as the method for disseminating information or collecting citizen comments. Instead, grantees are encouraged to employ innovative methods to communicate with citizens and solicit their views on proposed uses of disaster recovery funds, and then to indicate in the Action Plan how it has addressed these views.

Administration Limitation

State program administration requirements must be modified to be consistent with the Supplemental Appropriations Act, which allows up to five percent of the grant to be used for the state's administrative costs. The provisions at 42 U.S.C. 5306(d) and 24 CFR 570.489(a)(1)(i) and (iii) will not apply to the extent that they cap state administration expenditures and require a dollar for dollar match of state funds for administrative costs exceeding $100,000. HUD does not waive 24 CFR 570.489(a)(3) to allow the state to exceed the overall planning, management and administrative cap of 20 percent.

Use of Subrecipients

The State CDBG program rule does not make specific provision for the treatment of the entities called ''subrecipients'' in the CDBG entitlement program. The waiver allowing the state to carry out activities directly creates a situation in which the state may use subrecipients to carry out activities in a manner similar to entitlement communities rather than using a method of distributing funds to local governments. HUD and its Office of Inspector General have long identified the use of subrecipients as a practice that increases the risk of abuse of funds. HUD's experience is that this risk can be successfully managed by following the CDBG entitlement requirements and related guidance. Therefore, HUD is requiring that a state taking advantage of the waiver allowing it to carry out activities directly must follow the alternative requirements drawn from the CDBG entitlement rule and specified in this Notice when using subrecipients.

Reporting

HUD is waiving the annual reporting requirement because the Congress requires quarterly reports from the grantees and from HUD on various aspects of the uses of funds and of the activities funded with these grants. Many of the data elements the grantees will report to Congress quarterly are the same as those that HUD will use to exercise oversight for compliance with the requirements of this Notice and for prevention of fraud, abuse of funds, and duplication of benefits. To collect these data elements and to meet its reporting requirements, HUD is requiring each grantee to report to HUD quarterly using the online Disaster Recovery Grant Reporting (DRGR) system, which uses a streamlined, Internet-based format. HUD will use grantee reports to monitor for anomalies or performance problems that suggest fraud, abuse of funds, and duplication of benefits; to reconcile budgets, obligations, fund draws, and expenditures; and to calculate

applicable administrative and public service limitations and the overall percent of benefit to low- and moderate-income persons, and as a basis for risk analysis in determining a monitoring plan.

The grantee must post the report on a Web site for its citizens within 3 days of the report's submission to HUD. If a grantee chooses, it may use this report, together with a statement regarding any sole source procurements, as its required quarterly submission to the Committees on Appropriations. Each quarter, HUD will submit to the Committees a summary description of its report reviews, other HUD monitoring and technical assistance activities undertaken during the quarter, and any significant conclusions related to fraud or abuse of funds or duplication of benefits.

Eligibility—Housing Related

The waiver of Section 105(a) of the 1974 Act that allows new housing construction and of Section 105(a)(24), to allow homeownership assistance for families whose income is up to 120 percent of median income and payment of up to 100 percent of a housing down payment is necessary following major disasters in which large numbers of affordable housing units have been damaged or destroyed, as is the case in the disaster eligible under this notice. The broadening of the Section 105(a)(24) waiver, in accordance with the state's request, will allow the state to implement mixed-use housing recovery programs included in its HUD-accepted action plan.

Anti-Pirating

The limited waiver of the anti-pirating requirements allows the flexibility to provide assistance to a business located in another state or market area within the same state if the business was displaced from a declared area within the state by the disaster and the business wishes to return. This waiver is necessary to allow a grantee affected by a major disaster to rebuild its employment base.

Relocation Requirements

The states' plan to engage in voluntary acquisition and optional relocation activities (in a form often called ''buyouts'') by using waivers related to acquisition and relocation requirements under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601 *et seq.*) (URA) and the replacement of housing and relocation assistance provisions under section 104(d) of the HCD Act. The states asked for waivers to help promote the acquisition of property and the replacement of housing in a timely and efficient manner.

CDBG funds are federal financial assistance so their use in projects that involve acquisition of property necessary for a federally assisted project, or that involve acquisition, demolition, or rehabilitation that force a person to move permanently, are subject to the URA and the government-wide implementing regulations found at 49 CFR part 24. The URA provides assistance and protections to individuals and businesses affected by Federal or federally assisted projects. HUD is waiving the following URA requirements to help promote accessibility to suitable decent, safe, and sanitary housing for Midwest flooding victims.

The acquisition requirements of the URA and implementing regulations are waived so that they do not apply to an arm's length voluntary purchase carried out by a person that does not have the power of eminent domain, in connection with the purchase and occupancy of a principal residence by that person. The failure to suspend these requirements would impede disaster recovery and may result in windfall payments.

A limited waiver of the URA implementing regulations to the extent that they require grantees to provide URA financial assistance sufficient to reduce the displaced person's post-displacement rent/utility cost to 30 percent of household income. The failure to suspend these one-size-fits-all requirements could impede disaster recovery. To the extent that a tenant has been paying rents in excess of 30 percent of household income without demonstrable hardship, rental assistance payments to reduce tenant costs to 30 percent would not be required.

The URA and implementing regulations to the extent necessary to permit a grantee to meet all or a portion of a grantee's replacement housing financial assistance obligation to a displaced renter by offering rental housing through a tenant-based rental assistance (TBRA) housing program subsidy (e.g., Section 8 rental voucher or certificate) provided that the renter is also provided referrals to suitable, available rental replacement dwellings where the owner is willing to participate in the TBRA program, and the period of authorized assistance is at least 42 months. Failure to grant the waiver would impede disaster recovery whenever TBRA program subsidies are available but funds for cash relocation assistance are limited. The change provides access to an additional relocation resource option.

The URA and implementing regulations to the extent that they require a grantee to offer a person displaced from a dwelling unit the option to receive a ''moving expense and dislocation allowance'' based on the current schedule of allowances prepared by the Federal Highway Administration, provided that the grantee establishes and offers the person a moving expense and dislocation allowance under a schedule of allowances that is reasonable for the jurisdiction and takes into account the number of rooms in the displacement dwelling, whether the person owns and must move the furniture, and, at a minimum, the kinds of expenses described in 49 CFR 24.301. Failure to suspend this provision would impede disaster recovery by requiring grantees to offer allowances that do not reflect current local labor and transportation costs. Persons displaced from a dwelling remain entitled to choose a payment for actual reasonable moving and related expenses if they find that approach preferable to the locally established moving expense and dislocation allowance.

In addition to the URA waivers, HUD is waiving requirements of section 104(d) of the HCD Act dealing with one-for-one replacement of low- and moderate-income housing units demolished or converted in connection with a CDBG-assisted development project for housing units damaged by one or more disasters. HUD is waiving this requirement because it does not take into account the large, sudden changes a major disaster may cause to the local housing stock, population, or local economy. Further, the requirement does not take into account the threats to public health and safety and to economic revitalization that may be caused by the presence of disaster-damaged structures that are unsuitable for rehabilitation. As it stands, the requirement would impede disaster recovery and discourage grantees from acquiring, converting, or demolishing disaster-damaged housing because of excessive costs that would result from replacing all such units within the specified timeframe. HUD is also waiving the relocation assistance requirements contained in section 104(d) of the HCD Act to the extent they differ from those of the URA (42 U.S.C. 4601 *et seq.*). This change will simplify implementation while preserving statutory protections for persons displaced by projects assisted with CDBG disaster recovery grant funds.

Iowa has indicated that an additional reason for these waivers is related to its decision to administer some buyouts that will include in the same project funds under this notice and FEMA mitigation funding. The statutory requirements of the URA are also applicable to the administration of FEMA assistance, and disparities in rental assistance payments for activities funded by HUD and that agency will thus be eliminated. FEMA is subject to the requirements of the URA. Pursuant to this authority, FEMA requires that rental assistance payments be calculated on the basis of the amount necessary to lease or rent comparable housing for a period of 42 months. HUD is also subject to these requirements, but is also covered by alternative relocation provisions authorized under 42 U.S.C. 5304(d)(2)(A)(iii) and (iv) and implementing regulations at 24 CFR 42.350. These alternative relocation benefits, available to low- and moderate-income displacees opting to receive them in certain HUD programs, require the calculation of similar rental assistance payments on the basis of 60 months, rather than 42 months, thereby creating a disparity between the available benefits offered by HUD and FEMA (although not always an actual cash difference). The waiver assures uniform and equitable treatment by allowing the URA benefits requirements to be the standard for assistance under this notice.

Program Income

A combination of CDBG provisions limits the flexibility available to the states for the use of program income. Prior to 2002, program income earned on disaster recovery grants has usually been program income in accordance with the rules of the regular CDBG program of the applicable state and has lost its disaster grant identity, thus losing use of the waivers and streamlined alternative requirements. Also, the State CDBG program rule and law are designed for a program in which the state distributes all funds rather than carrying out activities directly. The HCD Act specifically provides for a local government receiving CDBG grants from a state to retain program income if it uses the funds for additional eligible activities under the annual CDBG program. The HCD Act allows the state to require return of the program income to the state under certain circumstances. This notice waives the existing statute and regulations to give the states, in all circumstances, the choice of whether a local government receiving a distribution of CDBG disaster recovery funds and using program income for activities in the Action Plan may retain this income and use it for additional disaster recovery activities. In addition, this notice allows program income to the disaster recovery grant generated by activities undertaken directly by the state or its agent(s) to retain the original disaster recovery grant's alternative requirements and waivers and to remain under the state's discretion until grant closeout, at which point any program income on hand or received subsequently will become program income to the state's annual CDBG program. The alternative requirements provide all the necessary conforming changes to the program income regulations.

Certifications

HUD is waiving the standard certifications and substituting alternative certifications. The alternative certifications are tailored to CDBG disaster recovery grants and remove certifications and references that are redundant or appropriate to the annual CDBG formula program.

Applicable Rules, Statutes, Waivers, and Alternative Requirements

Pre-Grant Process

1. General note. Prerequisites to a grantee's receipt of CDBG disaster recovery assistance include adoption of a citizen participation plan; publication of its proposed Action Plan for Disaster Recovery; public notice and comment; and submission to HUD of an Action Plan for Disaster Recovery, including certifications. Except as described in this Notice, statutory and regulatory provisions governing the Community Development Block Grant program for states, including those at 42 U.S.C. 5301 *et seq.* and 24 CFR part 570, shall apply to the use of these funds.

2. Overall benefit waiver and alternative requirement. The requirements at 42 U.S.C. 5301(c), 42 U.S.C. 5304(b)(3)(A), and 24 CFR 570.484 that 70 percent of funds are for activities that benefit low- and moderate-income persons are waived to stipulate that at least 50 percent of disaster recovery grant funds are for activities that principally benefit low- and moderate-income persons.

3. Direct grant administration by states and means of carrying out eligible activities. Requirements at 42 U.S.C. 5306 are waived to the extent necessary to allow a state to use its disaster recovery grant allocation directly to carry out state-administered activities eligible under this Notice. Activities eligible under this Notice may be undertaken, subject to state law, by the recipient through its employees, or through procurement contracts, or through loans or grants under agreements with subrecipients, or by one or more entities that are designated by the chief executive officer of the state. Unless a waiver provides otherwise, activities made eligible under section 105(a)(15) of the HCD Act, as amended, may only be undertaken by entities specified in that section, whether the assistance is provided to such an entity from the state or from a unit of general local government.

4. Consolidated Plan waiver. Requirements at 42 U.S.C. 12706 and 24 CFR 91.325(a)(6), that housing activities undertaken with CDBG funds be consistent with the strategic plan, are waived. Further, 42 U.S.C. 5304(e), to the extent that it would require HUD to annually review grantee performance under the consistency criteria, is also waived. These waivers apply only until the time that the grantee first updates the consolidated plan priorities following the disaster.

5. Citizen participation waiver and alternative requirement. Provisions of 42 U.S.C. 5304(a)(2) and (3), 42 U.S.C. 12707, 24 CFR 570.486, and 24 CFR 91.115(b) with respect to citizen participation requirements are waived and replaced by the requirements below. The streamlined requirements do not mandate public hearings at either the state or local government level, but do require providing a reasonable opportunity (at least 7 days) for citizen comment and ongoing citizen access to information about the use of grant funds. The streamlined citizen participation requirements for this grant are:

a. Before the grantee adopts the action plan for this grant or any substantial amendment to this grant, the grantee will publish the proposed plan or amendment (including the information required in this Notice for an Action Plan for Disaster Recovery). The manner of publication (including prominent posting on the state, local, or other relevant Web site) must afford citizens, affected local governments and other interested parties a reasonable opportunity to examine the plan or amendment's contents. Subsequent to publication, the grantee must provide a reasonable time period and method(s) (including electronic submission) for receiving comments on the plan or substantial amendment. The grantee's plans to minimize displacement of persons or entities and to assist any persons or entities displaced must be published with the action plan.

b. In the action plan, each grantee will specify its criteria for determining what

changes in the grantee's activities constitute a substantial amendment to the plan. At a minimum, adding or deleting an activity or changing the planned beneficiaries of an activity will constitute a substantial change. The grantee may modify or substantially amend the action plan if it follows the same procedures required in this Notice for the preparation and submission of an Action Plan for Disaster Recovery. The grantee must notify HUD, but is not required to notify the public, when it makes any plan amendment that is not substantial.

c. The grantee must consider all comments received on the action plan or any substantial amendment and submit to HUD a summary of those comments and the grantee's response with the action plan or substantial amendment.

d. The grantee must make the action plan, any substantial amendments, and all performance reports available to the public. HUD recommends posting them on the Internet. In addition, the grantee must make these documents available in a form accessible to persons with disabilities and non-English-speaking persons. During the term of this grant, the grantee will provide citizens, affected local governments, and other interested parties reasonable and timely access to information and records relating to the action plan and the grantee's use of this grant.

e. The grantee will provide a timely written response to every citizen complaint. Such response will be provided within 15 working days of the receipt of the complaint, if practicable.

6. Modify requirement for consultation with local governments. Currently, the statute and regulations require consultation with affected units of local government in the non-entitlement area of the state regarding the state's proposed method of distribution. HUD is waiving 42 U.S.C. 5306(d)(2)(C)(iv), 24 CFR 91.325(b), and 24 CFR 91.110, with the alternative requirement that the state consult with all disaster-affected units of general local government, including any CDBG entitlement communities, in determining the use of funds.

7. Action Plan waiver and alternative requirement. The requirements at 42 U.S.C. 12705(a)(2), 42 U.S.C. 5304(a)(1), 42 U.S.C. 5304(m), 42 U.S.C. 5306(d)(2)(C)(iii), 24 CFR 1003.604, and 24 CFR 91.320 are waived for these disaster recovery grants. Each state must submit to HUD an Action Plan for Disaster Recovery that describes:

a. The effects of the covered disasters, especially in the most impacted areas and populations, and the greatest recovery needs resulting from the covered disasters that have not been addressed by insurance proceeds, other federal assistance or any other funding source;

b. The grantee's overall plan for disaster recovery including:

(1) How the state will promote sound short- and long-term recovery planning at the state and local levels, especially land use decisions that reflect responsible flood plain management, removal of regulatory barriers to reconstruction, and prior coordination with planning requirements of other state and Federal programs and entities;

(2) How the state will encourage construction methods that emphasize high quality, durability, energy efficiency, sustainability, and mold resistance, including how the state will promote enactment and enforcement of modern building codes and mitigation of flood risk where appropriate; and

(3) How the state will provide or encourage provision of adequate, flood-resistant housing for all income groups that lived in the disaster affected areas prior to the incident date(s) of the applicable disaster(s), including a description of the activities it plans to undertake to address emergency shelter and transitional housing needs of homeless individuals and families (including subpopulations), to prevent low-income individuals and families with children (especially those with incomes below 30 percent of median) from becoming homeless, to help homeless persons make the transition to permanent housing and independent living, and to address the special needs of persons who are not homeless identified in accordance with 24 CFR 91.315(d);

c. Monitoring standards and procedures that are sufficient to ensure program requirements, including non-duplication of benefits, are met and that provide for continual quality assurance, investigation, and internal audit functions, with responsible staff reporting independently to the Governor of the state or, at a minimum, to the chief officer of the governing body of any designated administering entity;

d. A description of the steps the state will take to avoid or mitigate occurrences of fraud, abuse, and mismanagement, especially with respect to accounting, procurement, and accountability, with a description of how the state will provide for increasing the capacity for implementation and compliance of local government grant recipients, subrecipients, subgrantees, contractors, and any other entity responsible for administering activities under this grant; and

e. Method of distribution. The state's method of distribution shall include descriptions of the method of allocating funds to units of local government and of specific projects the state will carry out directly, as applicable. The descriptions will include:

(1) When funds are to be allocated to units of local government, all criteria used to select applications from local governments for funding, including the relative importance of each criterion, and including a description of how the disaster recovery grant resources will be allocated among all funding categories and the threshold factors and grant size limits that are to be applied; and

(2) When the state will carry out activities directly, the projected uses for the CDBG disaster recovery funds by responsible entity, activity, and geographic area;

(3) How the method of distribution to local governments or use of funds described in accordance with the above subparagraphs will result in eligible uses of grant funds related to long-term recovery from specific effects of the disaster(s) or restoration of infrastructure; and

(4) Sufficient information so that citizens, units of general local government and other eligible subgrantees or subrecipients will be able to understand and comment on the action plan and, if applicable, be able to prepare responsive applications to the state.

f. Required certifications (see the applicable Certifications section of this Notice); and

g. A completed and executed Federal form SF–424.

8. Allow reimbursement for pre-agreement costs. The provisions of 24 CFR 570.489(b) are applied to permit a grantee to reimburse itself for otherwise allowable costs incurred on or after the incident date of the covered disaster.

9. Clarifying note on the process for environmental release of funds when a state carries out activities directly. Usually, a state distributes CDBG funds to units of local government and takes on HUD's role in receiving environmental certifications from the grant recipients and approving releases of funds. For this grant, HUD will allow a state grantee to also carry out activities directly instead of distributing them to other governments. According to the environmental regulations at 24 CFR 58.4, when a state carries out activities directly, the state must submit the certification and request for release of funds to HUD for approval.

10. Duplication of benefits. In general, 42 U.S.C. 5155 (section 312 of the Robert T. Stafford Disaster Assistance

and Emergency Relief Act, as amended) prohibits any person, business concern, or other entity from receiving financial assistance with respect to any part of a loss resulting from a major disaster as to which he has received financial assistance under any other program or from insurance or any other source. The Supplemental Appropriations Act stipulates that funds may not be used for activities reimbursable by or for which funds have been made available by the Federal Emergency Management Agency or by the Army Corps of Engineers.

11. Waiver and alternative requirement for distribution to CDBG metropolitan cities and urban counties.

a. Section 5302(a)(7) of title 42, U.S.C. (definition of ''nonentitlement area'') and provisions of 24 CFR part 570 that would prohibit a state from distributing CDBG funds to units of general local government regardless of their status in the entitlement CDBG program and to Indian tribes, are waived, including 24 CFR 570.480(a), to the extent that such provisions limit the distribution of funds to units of general local government located in entitlement areas and to state or Federally recognized Indian tribes. The state is required instead to distribute funds to the most affected and impacted areas related to the consequences of the covered disaster(s) without regard to a local government or Indian tribe status under any other CDBG program.

b. Additionally, because a state grantee under this appropriation may carry out activities directly, HUD is applying the regulations at 24 CFR 570.480(c) with respect to the basis for HUD determining whether the state has failed to carry out its certifications so that such basis shall be that the state has failed to carry out its certifications in compliance with applicable program requirements. Also, 24 CFR 570.494 regarding timely distribution of funds is waived. However, HUD expects each state grantee to expeditiously obligate and expend all funds, including any recaptured funds or program income, and to carry out activities in a timely manner.

12. Program income alternative requirement. 42 U.S.C. 5304(j) and 24 CFR 570.489(e) are waived to the extent necessary to allow additional flexibility in the administration of program income. The requirements that are retained are republished here for the convenience of the grantees.

a. Program income.

(1) For the purposes of this subpart, ''program income'' is defined as gross income received by a state, a unit of general local government, a tribe or a subrecipient of a state, a unit of general local government or a tribe that was generated from the use of CDBG funds, except as provided in paragraph (a)(2) of this section. When income is generated by an activity that is only partially assisted with CDBG funds, the income shall be prorated to reflect the percentage of CDBG funds used (e.g., a single loan supported by CDBG funds and other funds; a single parcel of land purchased with CDBG funds and other funds). Program income includes, but is not limited to, the following:

(i) Proceeds from the disposition by sale or long-term lease of real property purchased or improved with CDBG funds;

(ii) Proceeds from the disposition of equipment purchased with CDBG funds;

(iii) Gross income from the use or rental of real or personal property acquired by the unit of general local government or tribe or subrecipient of a state, a tribe or a unit of general local government with CDBG funds; less the costs incidental to the generation of the income;

(iv) Gross income from the use or rental of real property owned by a state, tribe or the unit of general local government or a subrecipient of a state, tribe or unit of general local government, that was constructed or improved with CDBG funds, less the costs incidental to the generation of the income;

(v) Payments of principal and interest on loans made using CDBG funds;

(vi) Proceeds from the sale of loans made with CDBG funds;

(vii) Proceeds from the sale of obligations secured by loans made with CDBG funds;

(viii) Interest earned on program income pending disposition of the income, but excluding interest earned on funds held in a revolving fund account;

(ix) Funds collected through special assessments made against properties owned and occupied by households not of low and moderate income, where the special assessments are used to recover all or part of the CDBG portion of a public improvement; and

(x) Gross income paid to a state, tribe or a unit of general local government or subrecipient from the ownership interest in a for-profit entity acquired in return for the provision of CDBG assistance.

(2) ''Program income'' does not include the following:

(i) The total amount of funds which is less than $25,000 received in a single year that is retained by a unit of general local government, tribe or subrecipient;

(ii) Amounts generated by activities eligible under section 105(a)(15) of the HCD Act and carried out by an entity under the authority of section 105(a)(15) of the HCD Act;

(3) The state may permit the unit of general local government or tribe which receives or will receive program income to retain the program income, subject to the requirements of paragraph (a)(3)(ii) of this section, or the state may require the unit of general local government or tribe to pay the program income to the state.

(i) Program income paid to the state. Program income that is paid to the state or received by the state is treated as additional disaster recovery CDBG funds subject to the requirements of this notice and must be used by the state or distributed to units of general local government in accordance with the state's Action Plan for Disaster Recovery. To the maximum extent feasible, program income shall be used or distributed before the state makes additional withdrawals from the Treasury, except as provided in paragraph (b) of this section.

(ii) Program income retained by a unit of general local government or tribe.

(A) Program income that is received and retained by the unit of general local government or tribe before closeout of the grant that generated the program income is treated as additional disaster recovery CDBG funds and is subject to the requirements of this notice.

(B) Program income that is received and retained by the unit of general local government or tribe after closeout of the grant that generated the program income, but that is used to continue the disaster recovery activity that generated the program income, is subject to the waivers and alternative requirements of this notice.

(C) All other program income is subject to the requirements of 42 U.S.C. 5304(j) and subpart I of 24 CFR part 570.

(D) The state shall require units of general local government or tribes, to the maximum extent feasible, to disburse program income that is subject to the requirements of this notice before requesting additional funds from the state for activities, except as provided in paragraph (b) of this section.

(b) Revolving funds.

(1) The state may establish or permit units of general local government or tribes to establish revolving funds to carry out specific, identified activities. A revolving fund, for this purpose, is a separate fund (with a set of accounts that are independent of other program accounts) established to carry out specific activities which, in turn, generate payments to the fund for use in

carrying out such activities. These payments to the revolving fund are program income and must be substantially disbursed from the revolving fund before additional grant funds are drawn from the Treasury for revolving fund activities. Such program income is not required to be disbursed for non-revolving fund activities.

(2) The state may also establish a revolving fund to distribute funds to units of general local government or tribes to carry out specific, identified activities. A revolving fund, for this purpose, is a separate fund (with a set of accounts that are independent of other program accounts) established to fund grants to units of general local government to carry out specific activities which, in turn, generate payments to the fund for additional grants to units of general local government to carry out such activities. Program income in the revolving fund must be disbursed from the fund before additional grant funds are drawn from the Treasury for payments to units of general local government which could be funded from the revolving fund.

(3) A revolving fund established by either the state or unit of general local government shall not be directly funded or capitalized with grant funds.

(c) Transfer of program income. Notwithstanding other provisions of this notice, the state may transfer program income before closeout of the grant that generated the program income to its own annual CDBG program or to any annual CDBG-funded activities administered by a unit of general local government or Indian tribe within the state.

(d) Program income on hand at the state or its subrecipients at the time of grant closeout by HUD and program income received by the state after such grant closeout shall be program income to the most recent annual CDBG program grant of the state.

13. Note that use of grant funds must relate to the covered disaster(s). In addition to being eligible under 42 U.S.C. 5305(a) or this Notice and meeting a CDBG national objective, the Supplemental Appropriations Act requires that activities funded under this Notice must also be for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a declaration of major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) as a result of the recent natural disaster or disasters listed in this Notice for which the state received a funding allocation.

13a. Note on change to administration limitation. Up to five percent of the grant amount may be used for the state's administrative costs. The provisions of 42 U.S.C. 5306(d) and 24 CFR 570.489(a)(1)(i) and (iii) will not apply to the extent that they cap state administration expenditures, limit a state's ability to charge a *de minimis* application fee for grant applications for activities the state carries out directly, and require a dollar for dollar match of state funds for administrative costs exceeding $100,000. HUD does not waive 24 CFR 570.489(a)(3) to allow the state to exceed the overall planning, management and administrative cap of 20 percent.

Reporting

14. Waiver of performance report and alternative requirement. The requirements for submission of a Performance Evaluation Report (PER) pursuant to 42 U.S.C. 12708 and 24 CFR 91.520 are waived. The alternative requirement is that—

a. Each grantee must submit its Action Plan for Disaster Recovery, including performance measures, into HUD's Web-based Disaster Recovery Grant Reporting (DRGR) system. (The signed certifications and the SF–424 must be submitted in hard copy.) As additional detail about uses of funds becomes available to the grantee, the grantee must enter this detail into DRGR, in sufficient detail to serve as the basis for acceptable performance reports.

b. Each grantee must submit a quarterly performance report, as HUD prescribes, no later than 30 days following each calendar quarter, beginning after the first full calendar quarter after grant award and continuing until all funds have been expended and all expenditures reported. Each quarterly report will include information about the uses of funds during the applicable quarter including (but not limited to) the project name, activity, location, and national objective, funds budgeted, obligated, drawn down, and expended; the funding source and total amount of any non-CDBG disaster funds; beginning and ending dates of activities; and performance measures such as numbers of low- and moderate-income persons or households benefiting. Quarterly reports to HUD must be submitted using HUD's Web-based DRGR system and, within 3 days of submission, posted on the grantee's official Internet site open to the public.

15. Use of subrecipients. The following alternative requirement applies for any activity that a state carries out directly by funding a subrecipient:

a. 24 CFR 570.503, except that specific references to 24 CFR parts 84 and 85 need not be included in subrecipient agreements.

b. 24 CFR 570.502(b), except that HUD recommends but does not require application of the requirements of 24 CFR part 84.

16. Recordkeeping. Recognizing that the state may carry out activities directly, 24 CFR 570.490(b) is waived in such a case and the following alternative provision shall apply: state records. The state shall establish and maintain such records as may be necessary to facilitate review and audit by HUD of the state's administration of CDBG disaster recovery funds under 24 CFR 570.493. Consistent with applicable statutes, regulations, waivers and alternative requirements, and other federal requirements, the content of records maintained by the state shall be sufficient to: enable HUD to make the applicable determinations described at 24 CFR 570.493; make compliance determinations for activities carried out directly by the state; and show how activities funded are consistent with the descriptions of activities proposed for funding in the action plan. For fair housing and equal opportunity purposes, and as applicable, such records shall include data on the racial, ethnic, and gender characteristics of persons who are applicants for, participants in, or beneficiaries of the program.

17. Change of use of real property. This waiver conforms the change of use of real property rule to the waiver allowing a state to carry out activities directly. For purposes of this program, in 24 CFR 570.489(j), (j)(1), and the last sentence of (j)(2), ''unit of general local government'' shall be read as ''unit of general local government or state.''

18. Responsibility for state review and handling of noncompliance. This change conforms the rule with the waiver allowing the state to carry out activities directly. 24 CFR 570.492 is waived and the following alternative requirement applies: The state shall make reviews and audits including on-site reviews of any subrecipients, designated public agencies, and units of general local government as may be necessary or appropriate to meet the requirements of section 104(e)(2) of the HCD Act, as amended, as modified by this Notice. In the case of noncompliance with these requirements, the state shall take such actions as may be appropriate to prevent a continuance of the deficiency, mitigate any adverse effects or consequences and

prevent a recurrence. The state shall establish remedies for noncompliance by any designated public agencies or units of general local governments and for its subrecipients.

19. Housing-related eligibility waivers. 42 U.S.C. 5305(a) is waived to the extent necessary to allow homeownership assistance for households with up to 120 percent of area median income and downpayment assistance for up to 100 percent of the down payment (42 U.S.C. 5305(a)(24)(D)) and to allow new housing construction.

20. Waiver and modification of the anti-pirating clause to permit assistance to help a business return. 42 U.S.C. 5305(h) and 24 CFR 570.482 are hereby waived only to allow the grantee to provide assistance under this grant to any business that was operating in the covered disaster area before the incident date of the applicable disaster, and has since moved in whole or in part from the affected area to another state or to a labor market area within the same state to continue business.

Relocation Requirements

21. Waiver of one-for-one replacement of units damaged by disaster.

a. One-for-one replacement requirements at 42 U.S.C. 5304(d)(2) and (d)(3), and 24 CFR 42.375(a) are waived for low- and moderate-income dwelling units (1) damaged by the disaster, (2) for which CDBG funds are used for demolition, and (3) which are not suitable for rehabilitation.

b. Relocation assistance requirements at 42 U.S.C. 5304(d)(2)(A), and 24 CFR 42.350 are waived to the extent they differ from those of the URA and its implementing regulations at 49 CFR part 24 following waivers to activities involving buyouts and other activities covered by the URA and related to disaster recovery housing activities assisted by the funds covered by this notice and included in an approved Action Plan.

c. The requirements at 49 CFR 24.101(b)(2)(i)–(ii) are waived to the extent that they apply to an arm's length voluntary purchase carried out by a person that does not have the power of eminent domain, in connection with the purchase and occupancy of a principal residence by that person.

d. The requirements at sections 204(a) and 206 of the URA, 49 CFR 24.2, 24.402(b)(2) and 24.404 are waived to the extent that they require the state to provide URA financial assistance sufficient to reduce the displaced person's post-displacement rent/utility cost to 30 percent of household income. To the extent that a tenant has been paying rents in excess of 30 percent of household income without demonstrable hardship, rental assistance payments to reduce tenant costs to 30 percent would not be required. Before using this waiver, the state must establish a definition of ''demonstrable hardship.''

e. The requirements of sections 204 and 205 of the URA, and 49 CFR 24.402(b) are waived to the extent necessary to permit a grantee to meet all or a portion of a grantee's replacement housing financial assistance obligation to a displaced renter by offering rental housing through a tenant-based rental assistance (TBRA) housing program subsidy (e.g., Section 8 rental voucher or certificate) provided that the renter is also provided referrals to suitable, available rental replacement dwellings where the owner is willing to participate in the TBRA program, and the period of authorized assistance is at least 42 months.

f. The requirements of section 202(b) of the URA and 49 CFR 24.302 are waived to the extent that they require a grantee to offer a person displaced from a dwelling unit the option to receive a ''moving expense and dislocation allowance'' based on the current schedule of allowances prepared by the Federal Highway Administration, provided that the grantee establishes and offers the person a moving expense and dislocation allowance under a schedule of allowances that is reasonable for the jurisdiction and takes into account the number of rooms in the displacement dwelling, whether the person owns and must move the furniture, and, at a minimum, the kinds of expenses described in 49 CFR 24.301.

22. *Notes on flood buyouts:* a. Payment of pre-flood values for buyouts. HUD disaster recovery state grant recipients and Indian tribes have the discretion to pay pre-flood or post-flood values for the acquisition of properties located in a flood way or floodplain. In using CDBG disaster recovery funds for such acquisitions, the grantee must uniformly apply whichever valuation method it chooses.

b. Ownership and maintenance of acquired property. Any property acquired with disaster recovery grants funds being used to match FEMA Section 404 Hazard Mitigation Grant Program funds is subject to section 404(b)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, which requires that such property be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or wetlands management practices. In addition, with minor exceptions, no new structure may be erected on the property and no subsequent application for Federal disaster assistance may be made for any purpose. The acquiring entity may want to lease such property to adjacent property owners or other parties for compatible uses in return for a maintenance agreement. Although Federal policy encourages leasing rather than selling such property, the property may be sold. In all cases, a deed restriction or covenant running with the land must require that the property be dedicated and maintained for compatible uses in perpetuity.

c. Future Federal assistance to owners remaining in floodplain.

(1) Section 582 of the National Flood Insurance Reform Act of 1994, as amended, (42 U.S.C. 5154(a)) prohibits flood disaster assistance in certain circumstances. In general, it provides that no Federal disaster relief assistance made available in a flood disaster area may be used to make a payment (including any loan assistance payment) to a person for repair, replacement, or restoration for damage to any personal, residential, or commercial property, if that person at any time has received Federal flood disaster assistance that was conditional on the person first having obtained flood insurance under applicable Federal law and the person has subsequently failed to obtain and maintain flood insurance as required under applicable Federal law on such property. (Section 582 is self-implementing without regulations.) This means that a grantee may not provide disaster assistance for the above-mentioned repair, replacement, or restoration to a person that has failed to meet this requirement.

(2) Section 582 also implies a responsibility for a grantee that receives CDBG disaster recovery funds or that, under 42 U.S.C. 5321, designates annually appropriated CDBG funds for disaster recovery. That responsibility is to inform property owners receiving disaster assistance that triggers the flood insurance purchase requirement that they have a statutory responsibility to notify any transferee of the requirement to obtain and maintain flood insurance, and that the transferring owner may be liable if he or she fails to do so. These requirements are described below.

(3) Duty to notify. In the event of the transfer of any property described in paragraph d., the transferor shall, not later than the date on which such transfer occurs, notify the transferee in writing of the requirements to:

(i) Obtain flood insurance in accordance with applicable Federal law with respect to such property, if the

property is not so insured as of the date on which the property is transferred; and

(ii) Maintain flood insurance in accordance with applicable Federal law with respect to such property. Such written notification shall be contained in documents evidencing the transfer of ownership of the property.

(4) Failure to notify. If a transferor fails to provide notice as described above and, subsequent to the transfer of the property:

(i) The transferee fails to obtain or maintain flood insurance, in accordance with applicable Federal law, with respect to the property;

(ii) The property is damaged by a flood disaster; and

(iii) Federal disaster relief assistance is provided for the repair, replacement, or restoration of the property as a result of such damage, the transferor shall be required to reimburse the Federal Government in an amount equal to the amount of the Federal disaster relief assistance provided with respect to the property.

d. The notification requirements apply to personal, commercial, or residential property for which Federal disaster relief assistance made available in a flood disaster area has been provided, prior to the date on which the property is transferred, for repair, replacement, or restoration of the property, if such assistance was conditioned upon obtaining flood insurance in accordance with applicable Federal law with respect to such property.

e. The term ''Federal disaster relief assistance'' applies to HUD or other Federal assistance for disaster relief in ''flood disaster areas.'' The term ''flood disaster area'' is defined in section 582(d)(2) of the National Flood Insurance Reform Act of 1994, as amended, to include an area receiving a Presidential declaration of a major disaster or emergency as a result of flood conditions.

23. Information collection approval note. HUD has approval for information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) under OMB control number 2506–0165. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, nor is a person required to respond to, a collection of information unless the collection displays a valid control number.

Certifications

24. Certifications for state governments, waiver and alternative requirement. Section 91.325 of title 24 of the Code of Federal Regulations is waived. Each state must make the following certifications prior to receiving a CDBG disaster recovery grant:

a. The state certifies that it will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the state, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard. (See 24 CFR 570.487(b)(2).)

b. The state certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the CDBG program.

c. The state certifies its compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87.

d. The state certifies that the Action Plan for Disaster Recovery is authorized under state law and that the state, and any entity or entities designated by the state, possesses the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and this Notice.

e. The state certifies that it will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided for this grant.

f. The state certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.

g. The state certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.115 (except as provided for in notices providing waivers and alternative requirements for this grant), and that each unit of general local government that is receiving assistance from the state is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).

h. The state certifies that it has consulted with affected units of local government in counties designated in covered major disaster declarations in the nonentitlement, entitlement and tribal areas of the state in determining the method of distribution of funding;

i. The state certifies that it is complying with each of the following criteria:

(1) Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a declaration of major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) as a result of recent natural disasters.

(2) With respect to activities expected to be assisted with CDBG disaster recovery funds, the action plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families.

(3) The aggregate use of CDBG disaster recovery funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 50 percent of the amount is expended for activities that benefit such persons during the designated period.

(4) The state will not attempt to recover any capital costs of public improvements assisted with CDBG disaster recovery grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless (A) disaster recovery grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or (B) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (A).

j. The state certifies that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601–3619) and implementing regulations.

k. The state certifies that it has and that it will require units of general local government that receive grant funds to certify that they have adopted and are enforcing:

(1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

(2) A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility

or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

l. The state certifies that each state grant recipient or administering entity has the capacity to carry out disaster recovery activities in a timely manner, or the state has a plan to increase the capacity of any state grant recipient or administering entity who lacks such capacity.

m. The state certifies that it will not use CDBG disaster recovery funds for any activity in an area delineated as a special flood hazard area in FEMA's most current flood advisory maps unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain in accordance with Executive Order 11988 and 24 CFR part 55.

n. The state certifies that it will comply with applicable laws.

Duration of Funding

Availability of funds provisions in 31 U.S.C. 1551–1557, added by section 1405 of the National Defense Authorization Act for Fiscal Year 1991 (Pub. L. 101–510), limit the availability of certain appropriations for expenditure. This limitation may not be waived. However, the Supplemental Appropriations Act for these grants directs that these funds be available until expended unless, in accordance with 31 U.S.C. 1555, the Department determines that the purposes for which the appropriation has been made have been carried out and no disbursement has been made against the appropriation for two consecutive fiscal years. In such case, the Department shall close out the grant prior to expenditure of all funds.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers for the disaster recovery grants under this Notice are as follows: 14.219; 14.228.

Finding of No Significant Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The FONSI is available for public inspection between 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, Room 10276, 451 7th Street, SW., Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, an advance appointment to review the docket file must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

Dated: September 8, 2008.

Roy A Bernardi,

Deputy Secretary.

[FR Doc. E8–21092 Filed 9–10–08; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1430–FR; WYW–27997; 8–08807]

Notice of Realty Action: Recreation and Public Purposes Act Classification of Public Lands in Park County, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) has examined and found suitable for classification for conveyance under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended, approximately 90.00 acres of public land in Park County, Wyoming. Park County proposes to use the land for a sanitary landfill.

DATES: Interested parties may submit comments regarding the proposed conveyance or classification of the lands until *October 27, 2008*.

ADDRESSES: Send written comments to the Field Manager, Cody Field Office, P.O. Box 518, Cody, Wyoming 82414.

FOR FURTHER INFORMATION CONTACT: Mike Stewart, Field Manager, Bureau of Land Management, Cody Field Office, at (307) 578–5915.

SUPPLEMENTARY INFORMATION: In accordance with Section 7 of the Taylor Grazing Act, (43 U.S.C. 315f), and Executive Order No. 6910, the following described public land in Park County, Wyoming, has been examined and found suitable for classification for lease and conveyance under the provisions of the R&PP Act, as amended (43 U.S.C. 869 *et seq.*):

Sixth Principal Meridian, Wyoming

T. 52 N., R. 101 W.,
Sec. 20, W½NW¼, N½N½NE¼SW¼.

The land described contains 90.00 acres, more or less.

In accordance with the R&PP Act, Park County filed an application to purchase the above-described 90.00 acres of public land which has been leased for solid waste disposal purposes since 1971. The land was classified for lease under the provisions of the R&PP Act. Before the conveyance can occur, the land must be classified for conveyance under the provisions of the R&PP Act. Additional detailed information pertaining to this application, plan of development, and site plan is in case file W–27997, located in the BLM Cody Field Office at the above address.

The land is not needed for any Federal purpose. The conveyance is consistent with the Cody Resource Management Plan dated November 8, 1990, and would be in the public interest. The patent, when issued, will be subject to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945); and

2. All minerals, together with the right to prospect for, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

The patent will be subject to all valid existing rights documented on the official public land records at the time of patent issuance.

Classification Comments: Interested parties may submit comments involving the suitability of the land for municipal and recreation uses. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision to convey under the R&PP Act, or any other factor not directly related to the suitability of the land for R&PP use.

Confidentiality of Comments: Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so. Only written comments submitted by postal service or overnight mail to the Field Manager—BLM Cody Field Office will be considered properly filed. Electronic mail, facsimile or telephone comments will not be considered properly filed.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the land described in this notice will become effective November 10, 2008. The lands will not be available for conveyance until after the classification becomes effective.

Authority: 43 CFR 2740.

Mike Stewart,

Field Manager, Cody, WY.

[FR Doc. E8–21192 Filed 9–10–08; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Environmental Documents Prepared for Proposed Oil, Gas, and Mineral Operations by the Gulf of Mexico Outer Continental Shelf (OCS) Region

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Availability of Environmental Documents. Prepared for OCS Mineral Proposals by the Gulf of Mexico OCS Region.

SUMMARY: Minerals Management Service (MMS), in accordance with Federal Regulations that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related Site-Specific Environmental Assessments (SEA) and Findings of No Significant Impact (FONSI), prepared by MMS for the following oil-, gas-, and mineral-related activities proposed on the Gulf of Mexico and Atlantic OCS.

FOR FURTHER INFORMATION CONTACT: Public Information Unit, Information Services Section at the number below. Minerals Management Service, Gulf of Mexico OCS Region, Attention: Public Information Office (MS 5034), 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana 70123–2394, or by calling 1–800–200–GULF.

SUPPLEMENTARY INFORMATION: MMS prepares SEAs and FONSIs for proposals that relate to exploration, development, production, and transport of oil, gas, and mineral resources on the Federal OCS. These SEAs examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. Environmental Assessments are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA Section 102(2)(C). A FONSI is prepared in those instances where MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the SEA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

This listing includes all proposals for which the Gulf of Mexico OCS Region prepared a FONSI in the period subsequent to publication of the preceding notice.

Activity/operator	Location	Date
Murphy Exploration & Production Company—USA, Initial Exploration Plan, SEA N–9105.	Lloyd Ridge, Block 268, Lease OCS–G 10492, located 124 miles from the nearest Louisiana shoreline.	2/8/2008
Murphy Exploration & Production Company—USA, Initial Exploration Plan SEA N–9141.	Lloyd Ridge, Block 410, Lease OCS–G 31846, located 152 miles from the nearest Louisiana shoreline.	4/3/2008
Murphy Exploration & Production Company—USA, Initial Exploration Plan, SEA N–9143.	Lloyd Ridge, Blocks 326 & 370, Leases OCS–G 31837 & 31842, respectively, located 171 miles from the nearest Louisiana shoreline.	4/3/2008
Energy Resource Technology GOM, Inc., Structure Removal, SEA ES/SR 08–034.	South Timbalier, Block 63, Lease OCS–G 00599, located 19 miles from the nearest Louisiana shoreline.	4/6/2008
Apache Corporation, Structure Removal, SEA ES/SR 08–048	West Cameron, Block 68, Lease OCS 00526, located 7 miles from the nearest Louisiana shoreline.	4/6/2008
Seismic Exchange, Inc., Geological & Geophysical Prospecting for Mineral Resources, SEA T08–04.	Located in the western Gulf of Mexico 45 miles southwest of Texas City, Texas.	4/8/2008
Murphy Exploration & Production Company USA, Initial Exploration Plan, SEA N–9155.	Lloyd Ridge, Block 180, Lease OCS–G 31822, located 120 miles from the nearest Louisiana shoreline.	4/8/2008
EMGS Americas, Geological & Geophysical Prospecting for Mineral Resources, SEA T08–06.	Located in the western Gulf of Mexico south of Galveston, Texas.	4/9/2008
Murphy Exploration & Production Company USA, Initial Exploration Plan, SEA N–9151.	Lloyd Ridge, Block 499, Lease OCS–G 31851, located 158 miles from the nearest Louisiana shoreline.	4/9/2008
Murphy Exploration & Production Company—USA, Initial Exploration Plan, SEA N–9142.	Lloyd Ridge, Blocks 412 & 456, Leases OCS–G 31848 & 31850 respectively, located 155 miles from the nearest Louisiana shoreline.	4/9/2008
McMoRan Oil & Gas, LLC, Structure Removal, SEA ES/SR 08–044.	West Cameron, Block 522, Lease OCS–G 14340, located 100 miles from the nearest Louisiana shoreline.	4/9/2008
Anadarko Petroleum Corporation, Initial Exploration Plan, SEA N–9145.	Lloyd Ridge, Block 400, Lease OCS–G 23481, located 128 miles from the nearest Louisiana shoreline.	4/16/2008
Apache Corporation, Structure Removal, SEA ES/SR 08–052	South Timbalier, Block 198, Lease OCS–G 07769, located 54 miles from the nearest Louisiana shoreline.	4/17/2008
Apache Corporation, Structure Removal, SEA ES/SR 08–049	West Delta, Block 41, Lease OCS–G 01073, located 15 miles from the nearest Louisiana shoreline.	4/17/2008
Murphy Exploration & Production Company USA, Initial Exploration Plan, SEA N–9160.	Lloyd Ridge, Block 317, Lease OCS–G 31834, located 137 miles from the nearest Louisiana shoreline.	4/18/2008
Murphy Exploration & Production Company USA, Initial Exploration Plan, SEA N–9159.	Lloyd Ridge, Block 319, Lease OCS–G 31836, located 141 miles from the nearest Louisiana shoreline.	4/18/2008

Activity/operator	Location	Date
GX Technology Corporation, Geological & Geophysical Prospecting for Mineral Resources, SEA L07–84.	Located in the central Gulf of Mexico south of Mobile, Alabama	4/18/2008
PGS Geophysical for Multi Klient Invest AS, Geological & Geophysical Prospecting for Mineral Resources SEA L08–16.	Located in the western/central Gulf of Mexico from south of Galveston, Texas to an area south of Venice, Louisiana.	4/18/2008
Chevron U.S.A., Inc., Structure Removal, SEA ES/SR 08–054	Mobile, Block 918, Lease OCS–G 12114, located 8 miles from the nearest Alabama shoreline.	4/24/2008
Apache Corporation, Structure Removal, SEA ES/SR 07–151, 07–152.	South Pass, Block 62, Lease OCS–G 01294, located 17 miles from the nearest Louisiana shoreline.	4/24/2008
McMoran Oil & Gas, LLC, Structure Removal, SEA ES/SR 08–042, 08–043.	Vermilion, Block 160, Lease OCS–G 08668, located 41 miles from the nearest Louisiana shoreline.	4/24/2008
Devon Energy Production Company, L.P., Structure Removal, SEA ES/SR 08–010A.	Eugene Island, Block 120, Lease OCS–G 00050, located 30 miles from the nearest Louisiana shoreline.	4/25/2008
Apache Corporation, Structure Removal, SEA ES/SR 07–118A	Main Pass, Block 290, Lease OCS–G 01667, located 34 miles from the nearest Louisiana shoreline.	4/25/2008
Energy Resource Technology GOM, Inc., Structure Removal, SEA ES/SR 06–016B.	Matagorda Island, Block 604, Lease OCS–G 06037, located 8 miles from the nearest Texas shoreline.	4/25/2008
Chevron U.S.A., Inc., Structure Removal, SEA ES/SR 08–056	West Cameron, Block 44, Lease OCS–G 21532, located 6 miles from the nearest Louisiana shoreline.	4/25/2008
BHP Billiton Petroleum (Americas), Inc., Geological & Geophysical Prospecting for Mineral Resources, SEA L08–24.	Located in the central Gulf of Mexico south of Grand Isle, Louisiana.	5/1/2008
Chevron U.S.A., Inc., Structure Removal, SEA ES/SR 08–058	Ship Shoal, Block 169, Lease OCS–G 00820, located 28 miles from the nearest Louisiana shoreline.	5/5/2008
Hunt Petroleum (AEC), Inc., Structure Removal, SEA ES/SR 08–063, 08–064.	Vermilion, Block 54, Lease OCS–G 19754, located 12 miles from the nearest Louisiana shoreline.	5/5/2008
Pioneer Natural Resources USA, Inc., Structure Removal, SEA ES/SR 08–072.	East Cameron, Block 322, Lease OCS–G 02254, located 110 miles from the nearest Louisiana shoreline.	5/6/2008
Phoenix Exploration Company, LLC, Structure Removal, SEA ES/SR 08–062.	High Island, Block 53, Lease OCS 00740, located 15 miles from the nearest Texas shoreline.	5/6/2008
WesternGeco, LLC, Geological & Geophysical Prospecting for Mineral Resources SEA L08–25.	Located in the western/central Gulf of Mexico south of Lafayette, Louisiana.	5/6/2008
Chevron U.S.A., Inc., Structure Removal, SEA ES/SR 08–057	South Marsh Island (North Addition), Block 288, Lease OCS–G 02316, located 29 miles from the nearest Louisiana shoreline.	5/6/2008
Chevron U.S.A., Inc., Structure Removal, SEA ES/SR 08–055	Mobile, Block 904, Lease OCS–G 05749, located 7 miles from the nearest Mississippi shoreline.	5/8/2008
Bois d'Arc Offshore Ltd., Structure Removal, SEA ES/SR 08–071	Ship Shoal, Block 112, Lease OCS–G 00066, located 20 miles from the nearest Louisiana shoreline.	5/9/2008
Chevron U.S.A., Inc., Structure Removal, SEA ES/SR 97–171A ...	South Timbalier, Block 24, Lease OCS–G 00387, located 6 miles from the nearest Louisiana shoreline.	5/9/2008
Chevron U.S.A., Inc., Structure Removal, SEA ES/SR 00–115A ...	South Timbalier, Block 52, Lease OCS–G 01241, located 14 miles from the nearest Louisiana shoreline.	5/9/2008
Chevron U.S.A., Inc., Structure Removal, SEA ES/SR 08–074, 08–075.	Breton Sound, Block 56, Lease OCS–G 01373, located 14 miles from the nearest Louisiana shoreline.	5/14/2008
Stone Energy, Structure Removal, SEA ES/SR 08–079	Eugene Island, Block 49, Lease OCS–G 17959, located 25 miles from the nearest Louisiana shoreline.	5/14/2008
Energy Resource Technology GOM, Inc., Structure Removal, SEA ES/SR 08–027, 08–085.	South Pelto, Blocks 20 & 19, Leases OCS 00074 & 00073 respectively, located 7 miles from the nearest Louisiana shoreline.	5/14/2008
Mariner Energy, Inc., Structure Removal, SEA ES/SR 08–088	High Island, Block A467, Lease OCS–G 02688, located 93 miles from the nearest Texas shoreline.	5/15/2008
TDC Energy, LLC, Structure Removal, SEA ES/SR 07–062A	Vermilion, Block 221, Lease OCS–G 04424, located 60 miles from the nearest Louisiana shoreline.	5/15/2008
Chevron U.S.A., Inc., Structure Removal, SEA ES/SR 97–051A ...	South Timbalier, Block 23, Lease OCS–G 00166, located 5 miles from the nearest Louisiana shoreline.	5/16/2008
Chevron U.S.A., Inc., Structure Removal, SEA ES/SR 05–119A ...	South Marsh Island, Block 218, Lease OCS–G 00310, located 9 miles from the nearest Louisiana shoreline.	5/16/2008
BP America Production Company, Structure Removal, SEA ES/SR 07–105A.	South Timbalier, Block 160, Lease OCS–G 04828, located 32 miles from the nearest Louisiana shoreline.	5/16/2008
Callon Petroleum Operating Company, Structure Removal, SEA ES/SR 08–080, 08–081, 08–082.	South Marsh Island, Block 261, Lease OCS–G 16337, located 30 miles from the nearest Louisiana shoreline.	5/16/2008
Stone Energy Corporation, Structure Removal, SEA ES/SR 08–065.	Eugene Island, Block 49, Lease OCS–G 17959, located 25 miles from the nearest Louisiana shoreline.	5/20/2008
Chevron U.S.A., Inc., Structure Removal, SEA ES/SR 00–014A ...	Grand Isle, Block 37, Lease OCS–G 00392, located 7 miles from the nearest Louisiana shoreline.	5/20/2008
Coastal Planning & Engineering, Inc., Geological & Geophysical Prospecting for Mineral Resources, SEA M08–02.	Located off the coast of Manatee & Sarasota Counties, Florida on the Federal OCS of the Gulf of Mexico.	5/20/2008
Union Oil Company, Structure Removal, SEA ES/SR 08–083, 08–084.	Mobile, Block 915, Lease OCS–G 05752, located 8 miles from the nearest Alabama shoreline.	5/20/2008
Dominion Exploration & Production, Inc., Structure Removal, SEA ES/SR 08–053.	West Cameron, Block 153, Lease OCS–G 10549, located 24 miles from the nearest Louisiana shoreline.	5/20/2008
Chevron U.S.A., Inc., Structure Removal, SEA ES/SR 08–067, 08–068, 08–069, 08–070.	Eugene Island, Block 133, Lease OCS–G 04445, located 43 miles from the nearest Louisiana shoreline.	5/21/2008
Chevron U.S.A., Inc., Structure Removal, SEA ES/SR 97–049A ...	Grand Isle, Block 37, Lease OCS–G 00392, located 7 miles from the nearest Louisiana shoreline.	5/21/2008

Activity/operator	Location	Date
Bois d'Arc Offshore, Ltd., Structure Removal, SEA ES/SR 08–086	Ship Shoal, Block 107, Lease OCS–G 21654, located 20 miles from the nearest Louisiana shoreline.	5/21/2008
Apache Corporation, Structure Removal, SEA ES/SR 08–002A, 08–014A.	Ship Shoal, Block 207, Lease OCS–G 01523, located 34 miles from the nearest Louisiana shoreline.	5/21/2008
Exxon Mobil Corporation, Revised Exploration Plan, SEA R–4825	Walker Ridge, Block 584, Lease OCS 20351, located 186 miles from the nearest Louisiana shoreline south of Morgan City, Louisiana.	5/21/2008
Energy Resource Technology, Inc., Supplemental Developmental Operations Coordination Document, SEA S–7156.	Green Canyon, Blocks 236 & 237, Leases OCS–G 15562 & 15563, located approximately 91 miles southward from the nearest Louisiana shoreline.	5/27/2008
Petsec Energy, Inc., Structure Removal, SEA ES/SR 08–089	Vermilion, Block 257, Lease OCS–G 24851, located 69 miles from the nearest Louisiana shoreline.	5/29/2008
GOM Shelf, LLC, Structure Removal, SEA ES/SR 06–140A	Eugene Island, Block 142, Lease OCS–G 10726, located 27 miles from the nearest Louisiana shoreline.	5/30/2008
Apache Corporation, Structure Removal, SEA ES/SR 08–036	Eugene Island, Block 87, Lease OCS–G 09580, located 21 miles from the nearest Louisiana shoreline.	6/2/2008
Arena Offshore, LLC, Structure Removal, SEA ES/SR 08–073	Matagorda Island, Block 669, Lease OCS–G 04065, located 23 miles from the nearest Texas shoreline.	6/2/2008
Chevron, U.S.A., Inc., Structure Removal, SEA ES/SR 08–076	Ship Shoal, Block 108, Lease OCS–G 00814, located 23 miles from the nearest Louisiana shoreline.	6/2/2008
McMoRan Oil & Gas LLC, Structure Removal, SEA ES/SR 08–047.	Vermilion, Block 159, Lease OCS–G 03128, located 45 miles from the nearest Louisiana shoreline.	6/3/2008
Hunt Oil Company, Structure Removal, SEA ES/SR 08–090	Cameron (West Addition), Block 289, Lease OCS–G 22539, located 28 miles from thenearest Louisiana shoreline.	6/5/2008
Neptune LNG, LLC, Right-of-Way Application, SEA P–7	Boston, Blocks NK 19–04 6525 & 19–04 6575, located in Massachusetts Bay off the Massachusetts shoreline.	6/10/2008
Magnum Hunter Production, Inc., Structure Removal, SEA ES/SR 08–093.	South Timbalier, Block 250, Lease OCS–G 15336, located 57 miles from the nearest Louisiana shoreline.	6/10/2008
Hunt Petroleum (AEC), Inc., Structure Removal, SEA ES/SR 08–092.	Main Pass, Block 116, Lease OCS–G 03419, located 30 miles from the nearest Louisiana shoreline.	6/16/2008
BP America, Inc., Structure Removal, SEA ES/SR 07–107A	West Delta, Block 96, Lease OCS–G 01498, located 27 miles from the nearest Louisiana shoreline.	6/16/2008
Murphy Exploration & Production Company U.S.A., Initial Exploration Plan, SEA N–9186.	Lloyd Ridge, Block 511, Lease OCS–G 10496, Wells A, B, C, D and E, located 185 miles from the nearest Louisiana shoreline, 217 miles from the nearest Mississippi shoreline, 202 miles from the nearest Alabama shoreline and 168 miles from the nearest Florida shoreline.	6/17/2008
Hunt Petroleum (AEC), Inc., Structure Removal, SEA ES/SR 08–091.	Grand Isle, Block 28, Lease OCS–G 22765, located 17 miles from the nearest Louisiana shoreline.	6/18/2008
Maritech Resources, Inc., Structure Removal, SEA ES/SR 07–143A.	Eugene Island, Block 116, Lease OCS–G 00478, located 46 miles from the nearest Louisiana shoreline.	6/20/2008
Maritech Resources, Inc., Structure Removal, SEA ES/SR 07–116A, 07–117A.	Eugene Island, Block 129, Lease OCS–G 00054, located 38 miles from the nearest Louisiana shoreline.	6/20/2008
Wild Well Control, Inc., Structure Removal, SEA ES/SR 08–104 ..	Grand Isle, Block 40, Lease OCS–G 00128, located 14 miles from the nearest Louisiana shoreline.	6/20/2008
Wild Well Control, Inc., Structure Removal, SEA ES/SR 08–105 ..	Grand Isle, Block 41, Lease OCS–G 00129, located 14 miles from the nearest Louisiana shoreline.	6/20/2008
Maritech Resources, Inc., Structure Removal, SEA ES/SR 07–074A, 07–138A, 07–139A.	South Marsh, Block 233, Lease OCS–G 11929, located 20 miles from the nearest Louisiana shoreline.	6/20/2008
Arena Offshore, LLC, Structure Removal, SEA ES/SR 08–115	Eugene Island, Block 83, Lease OCS–G 24888, located 15 miles from the nearest Louisiana shoreline.	6/24/2008
Apache Corporation, Structure Removal, SEA ES/SR 07–068	Main Pass, Block 151, Lease OCS–G 02951, located 10 miles from the nearest Louisiana shoreline.	6/25/2008
Joint Industry Project, Geological & Geophysical Exploration for Mineral Resources, SEA L08–49 & L08–48.	Green Canyon, Block 955 & Walker Ridge, Block 313, located 139 & 170 miles from the nearest Louisiana shoreline, respectively.	6/26/2008
Exxon Mobil Corporation, Revised Exploration Plan, SEA R–4845	Keathley Canyon, Block 964, Lease OCS–G 21451, lo'cated 240 miles from the nearest Louisiana shoreline south of Morgan City, Louisiana.	6/30/2008

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about SEAs and FONSIs prepared by the Gulf of Mexico OCS Region are encouraged to contact MMS at the address or telephone listed in the **FOR FURTHER INFORMATION CONTACT** section.

Dated: August 20, 2008.

Lars Herbst,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. E8–21061 Filed 9–10–08; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan, Environmental Impact Statement, Frederick Law Olmsted National Historic Site, MA

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of Intent to prepare an Environmental Impact Statement for the General Management Plan, Frederick Law Olmsted National Historic Site (NHS).

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service is preparing an Environmental Impact Statement (EIS) for the General Management Plan (GMP) for the Frederick Law Olmsted National Historic Site, Massachusetts. The existing GMP dates from 1983, when the park started operations, and needs major updates. An updated GMP will provide fundamental management guidance to enable the park to strategically plan for long-term resource management, visitor use, and partnerships. In cooperation with the Town of Brookline, MA, attention will also be given to resources outside the boundaries that affect the integrity of the Frederick Law Olmsted National Historic Site. The plan will identify management alternatives for the site. Major issues include: (1) Developing strategies for the ongoing preservation of the structures, grounds, and collections; (2) providing functional dedicated space for interpretive and educational programs and media; (3) resolving parking and public access issues; (4) developing strategies for reaching diverse audiences; (5) providing archives reference facilities and services that meet present and future demands; (6) providing readily accessible archives storage facilities that meet the needs of the collection; (7) addressing facility needs for park headquarters and the shared park maintenance building; (8) developing strategies for conserving the adjacent historic setting and the larger historic context; (9) strengthening partnerships with related national and local nonprofit organizations and communities.

The Draft EIS/General Management Plan is expected to be available for public review in 2010. After public and interagency review of the draft document, comments will be considered and a final GMP/EIS report will be prepared that contains a preferred alternative for management of the Frederick Law Olmsted NHS, followed by a Record of Decision.

DATES: The NPS will hold a public scoping meeting, which will provide opportunities to ask questions and raise issues concerning the General Management Plan for the Frederick Law Olmsted National Historic Site. Information on the time and place of the public scoping meeting will be publicized through the local news media serving the region around the historic site and the NPS Planning, Environment, and Public Comment Web site at *http://parkplanning.nps.gov*.

FOR FURTHER INFORMATION CONTACT: *Further Information and Addresses:* Persons who wish to comment orally or in writing, or who require further information are invited to contact James O'Connell, Project Manager, National Park Service, Northeast Region Boston Office, 15 State Street, Boston, MA 02109–3572, (617) 223–5222; fax -5164; e-mail at *Jim_O'Connell@nps.gov*.

Dated: July 14, 2008.

Michael T. Reynolds,

Deputy Regional Director, Northeast Region, National Park Service.

[FR Doc. E8–20982 Filed 9–10–08; 8:45 am]

BILLING CODE 4310–AW–M

DEPARTMENT OF THE INTERIOR

National Park Service

Chesapeake and Ohio Canal National Historical Park Advisory Commission; Notice of Public Meeting

AGENCY: Department of the Interior, National Park Service, Chesapeake and Ohio Canal National Historical Park.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that a meeting of the Chesapeake and Ohio Canal National Historical Park Advisory Commission will be held at 9:30 a.m., on Friday, October 17, 2008, at the Chesapeake and Ohio Canal National Historical Park Headquarters, 1850 Dual Highway, Hagerstown, Maryland 21740.

DATES: Friday, October 17, 2008.

ADDRESSES: Chesapeake and Ohio Canal National Historical Park Headquarters, 1850 Dual Highway, Hagerstown, Maryland 21740.

FOR FURTHER INFORMATION CONTACT: Kevin Brandt, Superintendent, Chesapeake and Ohio Canal National Historical Park, 1850 Dual Highway, Suite 100, Hagerstown, Maryland 21740, telephone: (301) 714–2201.

SUPPLEMENTARY INFORMATION: The Commission was established by Public Law 91–664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mrs. Sheila Rabb Weidenfeld, Chairperson;
Mr. Charles J. Weir;
Mr. Barry A. Passett;
Mr. James G. McCleaf II;
Mr. John A. Ziegler;
Mrs. Mary E. Woodward;
Mrs. Donna Printz;
Mrs. Ferial S. Bishop;
Ms. Nancy C. Long;
Mrs. Jo Reynolds;
Dr. James H. Gilford;
Brother James Kirkpatrick;
Dr. George E. Lewis, Jr.;
Mr. Charles D. McElrath;
Ms. Patricia Schooley;
Mr. Jack Reeder;
Ms. Merrily Pierce.

Topics that will be presented during the meeting include:

1. Update on park operations.
2. Update on major construction/development projects.
3. Update on partnership projects.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Kevin Brandt, Superintendent, Chesapeake and Ohio Canal National Historical Park. Minutes of the meeting will be available for public inspection six weeks after the meeting at Chesapeake and Ohio Canal National Historical Park Headquarters, 1850 Dual Highway, Suite 100, Hagerstown, Maryland 21740.

Dated: July 28, 2008.

Kevin D. Brandt,

Superintendent, Chesapeake and Ohio Canal National Historical Park.

[FR Doc. E8–21132 Filed 9–10–08; 8:45 am]

BILLING CODE 4310–6U–P

DEPARTMENT OF THE INTERIOR

National Park Service

Temporary Concession Contract for Great Basin National Park, NV

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of proposed award of temporary concession contract for the operation of Lehman Caves Gift and Cafe within Great Basin National Park, NV.

SUMMARY: Pursuant to 36 CFR 51.24, public notice is hereby given that the National Park Service proposes to award a temporary concession contract for the operation of a gift shop and cafe available to the public visiting Great Basin National Park, Nevada for a term of three (3) years. This action is necessary to avoid continued interruption of visitor services.

DATES: The term of the temporary concession contract will commence on July 1, 2008 and end on June 30, 2011.

SUPPLEMENTARY INFORMATION: The temporary concession contract is proposed to be awarded to Half Year, Inc., a qualified person, and will authorize Half Year Inc., to provide food and beverage service as well as a retail outlet for the sales of gifts and souvenirs at the Lehman Caves Visitor Center within Great Basin National Park. All of these services are seasonal and are provided during only half of the year, from approximately April 1 through mid-October.

Previously, these services had been provided by another concessioner, who had been authorized by Concession Contract CC–GRBAOO1–98 to conduct visitor services during the period January 1, 1998, through December 31, 2007.

Prior to the expiration of CC–GRBAOO1–98, the National Park Service had taken a number of reasonable and appropriate steps in order to avoid any interruption of visitor services. A public solicitation process inviting the general public to submit proposals for a new concession contract began in the spring of 2007, with the issuance, on April 9th 2007, of a prospectus for CC–GRBAOO1–07. That solicitation closed on August 16th 2007, but subsequently had to be cancelled, pursuant to 36 CFR 51.11, in late 2007. The National Park Service then proceeded with a second solicitation for a new concession contract, issuing a new prospectus on January 11th 2008 for CC–GRBAOO1–08. This second solicitation closed on March 18th 2008; however, no responsive offers were received.

Another public solicitation for proposals cannot be completed prior to the end of the limited operating season available for these services during 2008. At this time, however, a qualified person is willing to provide these services on a temporary basis.

Therefore, the National Park Service has determined that a temporary contract is necessary in order to avoid an interruption of visitor services and has taken all reasonable and appropriate steps to consider alternatives to avoid this interruption of visitor services.

This action is issued pursuant to 36 CFR 51.24(a). This is not a request for proposals.

Daniel N. Wen,

Deputy Director, Operations.

[FR Doc. E8–20981 Filed 9–10–08; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection for 1029–0092 and 1029–0107

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request approval for the collections of information for 30 CFR 745, State-Federal cooperative agreements; and 30 CFR Part 887, Subsidence Insurance Program Grants. These collection requests have been forwarded to the Office of Management and Budget (OMB) for review and comment. The information collection requests describe the nature of the information collections and the expected burden and cost.

DATES: OMB has up to 60 days to approve or disapprove the information collections but may respond after 30 days. Therefore, public comments should be submitted to OMB by October 14, 2008, in order to be assured of consideration.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of Interior Desk Officer, by telefax at (202) 395–6566 or via e-mail to *OIRA_Docket@omb.eop.gov*. Also, please send a copy of your comments to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW., Room 202–SIB, Washington, DC 20240, or electronically to *jtreleas@osmre.gov*.

FOR FURTHER INFORMATION CONTACT: To request a copy of either information collection request, explanatory information and related forms, contact John A. Trelease at (202) 208–2783, or electronically to *jtreleas@osmre.gov*.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. OSM has submitted two requests to OMB to renew its approval of the collections of information contained in: 30 CFR 745, State-Federal cooperative agreements; and 30 CFR Part 887, Subsidence insurance program grants. OSM is requesting a 3-year term of approval for each information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for these collections are 1029–0092 for Part 745, and 1029–0107 for Part 887.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on these collections of information was published on April 27, 2005 (70 FR 21811). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activities:

Title: State-Federal cooperative agreements—30 CFR 745.

OMB Control Number: 1029–0092.

Summary: 30 CFR 745 requires that States submit information when entering into a cooperative agreement with the Secretary of the Interior. OSM uses the information to make findings that the State has an approved program and will carry out the responsibilities mandated in the Surface Mining Control and Reclamation Act to regulate surface coal mining and reclamation activities on Federal lands.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: State governments that regulate coal operations.

Total Annual Responses: 11.

Total Annual Burden Hours: 600.

Total Annual Non-Wage Costs: $0.

Title: Subsidence Insurance Program Grants—30 CFR 887.

OMB Control Number: 1029–0107.

Summary: States and Indian tribes having an approved reclamation plan may establish, administer and operate self-sustaining State and Indian Tribe-administered programs to insure private property against damages caused by land subsidence resulting from underground mining. States and Indian tribes interested in requesting monies for their insurance programs would apply to the Director of OSM.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: States and Indian tribes with approved coal reclamation plans.

Total Annual Responses: 1.

Total Annual Burden Hours: 8.

Total Annual Non-Wage Costs: $0.

Send comments on the need for the collections of information for the

performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collections; and ways to minimize the information collection burdens on respondents, such as use of automated means of collections of the information, to the following addresses. Please refer to OMB control number 1029–0092 for Part 745 and 1029–0107 for Part 887 in your correspondence.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: August 19, 2008.

John R. Craynon,

Chief, Division of Regulatory Support.

[FR Doc. E8–20980 Filed 9–10–08; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1135 (Final)]

Sodium Metal from France

AGENCY: United States International Trade Commission.

ACTION: Revised schedule for the subject investigation.

DATES: *Effective Date:* September 4, 2008.

FOR FURTHER INFORMATION CONTACT: Nathanael Comly (202–205–3174), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION: On May 28, 2008, the Commission established a schedule for the conduct of the final phase of the subject investigation (73 FR 33115, June 11, 2008). The Commission is revising its schedule.

The Commission's new schedule for the investigation is as follows: the prehearing staff report will be placed in the nonpublic record on September 26, 2008; the deadline for filing prehearing briefs is October 6, 2008.

For further information concerning this investigation see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: September 5, 2008.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8–21097 Filed 9–10–08; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on September 2, 2008, a Consent Decree in *United States* v. *Reuland Electric Company,* Civil Action No. 08–05618, was lodged with the United States District Court for the Central District of California.

The Consent Decree resolves claims brought by the United States, on behalf of the United States Environmental Protection Agency (''EPA''), and the California Department of Toxic Substances Control (''DTSC'') under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607, *et seq.,* and section 7003 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6973, related to the releases and threatened releases of hazardous substances at the Puente Valley Operable Unit of the San Gabriel Valley Area 4 Superfund Site (''Site'') in Los Angeles County, California.

The proposed Consent Decree requires Defendant to pay the United States $246,000 and DTSC $4,000, in reimbursement of past response costs.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Reuland Electric Company,* D.J. Ref. 90–11–2–354/26.

The Consent Decree may be examined at U.S. EPA Region IX at 75 Hawthorne Street, San Francisco, California 94105. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, to *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $10.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E8–21057 Filed 9–10–08; 8:45 am]

BILLING CODE 4410–CW–P

DEPARTMENT OF JUSTICE

National Institute of Corrections

Advisory Board Meeting

Time and Date: 8 a.m. to 4:30 p.m. on Monday, October 6, 2008. 8 a.m. to 4:30 p.m. on Tuesday, October 7, 2008.

Place: Federal Correctional Complex, P.O. Box 1600, Butner, North Carolina 27509, Phone: 919.575.3900.

Status: Open.

Matters To Be Considered: The Advisory Board Members will tour the Federal Correctional Institution -1 and the Federal Medical Center; Presentations on Behavioral Health, multitude of behavioral health programs and operations across the complex; Agency Reports; Video presentation by the Director of Office of Justice Program's Smart Office on the Adam Walsh Act; U.S. Parole Commission; American Corrections Association; Federal Judicial Center.

Contact Person for More Information: Thomas Beauclair, Deputy Director, 202–307–3106, ext. 44254.

Morris L. Thigpen,

Director.

[FR Doc. E8–21028 Filed 9–10–08; 8:45 am]

BILLING CODE 4410–36–M

DEPARTMENT OF JUSTICE

Parole Commission

Record of Vote of Meeting Closure; (Public Law 94–409) (5 U.S.C. 552b)

I, Edward F. Reilly, Jr., Chairman of the United States Parole Commission, was present at a meeting of said Commission, which started at approximately 12 p.m., on Thursday, August 28, 2008, at the U.S. Parole Commission, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815. The purpose of the meeting was to approve the appointment of a hearing examiner. Four Commissioners were present, constituting a quorum when the vote to close the meeting was submitted.

Public announcement further describing the subject matter of the meeting and certification of General Counsel that this meeting may be closed by vote of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the meeting be closed: Edward F. Reilly, Jr., Cranston J. Mitchell, Isaac Fulwood, Jr., and Patricia Cushwa.

In witness whereof, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Dated: August 28, 2008.

Edward F. Reilly, Jr.,

Chairman, U.S. Parole Commission.

[FR Doc. E8–21004 Filed 9–10–08; 8:45 am]

BILLING CODE 4410–31–M

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the Working Groups assigned by the Advisory Council on Employee Welfare and Pension Benefit Plans to study the issues of (1) The spend down of retirement assets, (2) hard to value assets/target date funds, and (3) phased retirement, will hold a public teleconference meeting on September 29, 2008.

Members of the public wishing to listen to the teleconference may attend in Room C5515–B, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC. The purpose of the open meeting is for each Working Group to discuss its draft report with the full Advisory Council with respect to its recommendations to the Secretary of Labor. The meeting will run from 10 a.m. to approximately 4 p.m., in the order listed above for the Working Groups. All recommendations are subject to discussion and approval by the full Advisory Council at its meeting on November 5–6.

Organizations or members of the public wishing to submit a written statement pertaining to the topic may do so by submitting 25 copies on or before September 22, 2008 to Larry Good, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5623, 200 Constitution Avenue NW., Washington, DC 20210. Statements also may be submitted electronically to *good.larry@dol.gov*. Statements received on or before September 22 will be included in the record of the meeting. Individuals or representatives of organizations wishing to address one or more of the Working Groups should forward their requests to the Executive Secretary or telephone (202) 693–8668. Oral presentations will be limited to 10 minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact Larry Good by September 22 at the address indicated.

Signed at Washington, DC this 5th day of September, 2008.

Bradford P. Campbell,

Assistant Secretary, Employee Benefits Security Administration.

[FR Doc. E8–21102 Filed 9–10–08; 8:45 am]

BILLING CODE 4510–29–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 08–11]

Report on Countries That Are Candidates for Millennium Challenge Account Eligibility in Fiscal Year 2009 and Countries That Would Be Candidates but for Legal Prohibitions

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: Section 608(d) of the Millennium Challenge Act of 2003 requires the Millennium Challenge Corporation to publish a report that identifies countries that are ''candidate countries'' for Millennium Challenge Account assistance during FY 2009. The report is set forth in full below.

Dated: September 5, 2008.

William G. Anderson, Jr.

Vice President and General Counsel, Millennium Challenge Corporation.

Report on Countries That Are Candidates for Millennium Challenge Account Eligibility for Fiscal Year 2009 and Countries That Would Be Candidates but for Legal Prohibitions

This report to Congress is provided in accordance with Section 608(a) of the Millennium Challenge Act of 2003, 22 U.S.C. 7701, 7707(a) (Act).

The Act authorizes the provision of Millennium Challenge Account (MCA) assistance to countries that enter into Compacts with the United States to support policies and programs that advance the progress of such countries achieving lasting economic growth and poverty reduction. The Act requires Millennium Challenge Corporation (MCC) to take a number of steps in determining the countries that will be eligible for MCA assistance for Fiscal Year (FY) 2009 based on a country's demonstrated commitment to (i) just and democratic governance, (ii) economic freedom and investing in their people, and (iii) the opportunity to reduce poverty and generate economic growth in the country. These steps include the submission of reports to the congressional committees specified in the Act and the publication of notices in the **Federal Register** that identify:

1. The countries that are ''candidate countries'' for MCA assistance for FY 2009 based on their per-capita income levels and their eligibility to receive assistance under U.S. law and countries that would be candidate countries but for specified legal prohibitions on assistance (Section 608(a) of the Act);

2. The criteria and methodology that the MCC Board of Directors (Board) will use to measure and evaluate the relative policy performance of the ''candidate countries'' consistent with the requirements of subsections (a) and (b) of Section 607 of the Act in order to select ''MCA eligible countries'' from among the ''candidate countries'' (Section 608(b) of the Act); and

3. The list of countries determined by the Board to be ''MCA eligible countries'' for FY 2009, with a justification for such eligibility

determination and selection for compact negotiation, including which of the MCA eligible countries the Board will seek to enter into MCA Compacts (Section 608(d) of the Act).

This report is the first of three required reports listed above.

Candidate Countries for FY 2009

The Act requires the identification of all countries that are candidates for MCA assistance for FY 2009 and the identification of all countries that would be candidate countries but for specified legal prohibitions on assistance. Sections 606(a) and (b) of the Act provide that for FY 2009 a country shall be a candidate for the MCA if it:

- Meets one of the following two income level tests:
  - Has a per capita income equal to or less than the historical ceiling of the International Development Association eligibility for the fiscal year involved (or $1,785 gross national income (GNI) per capita for FY 2009) (the ''low income category''); or
  - Is classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and has an income greater than the historical ceiling for International Development Association eligibility for the fiscal year involved (or $1,786 to $3,705 GNI per capita for FY 2009) (the ''lower middle income category''); and
  - Is not ineligible to receive U.S. economic assistance under Part I of the Foreign Assistance Act of 1961, as amended (the ''Foreign Assistance Act''), by reason of the application of the Foreign Assistance Act or any other provision of law.

Pursuant to Section 606(c) of the Act, the Board has identified the following countries as candidate countries under the Act for FY 2009. In so doing, the Board has anticipated that prohibitions against assistance as applied to countries in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (Div. J, Pub. L. 110–161 (''FY 2008 SFOAA'')), will again apply for FY 2009, even though the Department of State, Foreign Operations, and Related Programs Appropriations Act for FY 2009 has not yet been enacted and certain findings under other statutes have not yet been made. As noted below, MCC will provide any required updates on subsequent changes in applicable legislation or other circumstances that affect the status of any country as a candidate country for FY 2009.

Candidate Countries: Low Income Category

1. Afghanistan; 2. Bangladesh; 3. Benin; 4. Bhutan; 5. Bolivia; 6. Burkina Faso; 7. Burundi; 8. Cambodia; 9. Cameroon; 10. Central African Republic; 11. Chad; 12. Comoros; 13. Congo, Dem. Rep.; 14. Congo, Rep.; 15. Djibouti; 16. Egypt; 17. Eritrea; 18. Ethiopia; 19. Gambia; 20. Ghana; 21. Guinea; 22. Guinea-Bissau; 23. Guyana; 24. Haiti; 25. Honduras; 26. India; 27. Indonesia; 28. Kenya; 29. Kiribati; 30. Kosovo; 31. Kyrgyz Republic; 32. Laos; 33. Lesotho; 34. Liberia; 35. Madagascar; 36. Malawi; 37. Mali; 38. Moldova; 39. Mongolia; 40. Mozambique; 41. Nepal; 42. Nicaragua; 43. Niger; 44. Nigeria; 45. Pakistan; 46. Papua New Guinea; 47. Paraguay; 48. Philippines; 49. Rwanda; 50. Sao Tome and Principe; 51. Senegal; 52. Sierra Leone; 53. Solomon Islands; 54. Somalia; 55. Sri Lanka; 56. Tajikistan; 57. Tanzania; 58. Timor-Leste; 59. Togo; 60. Turkmenistan; 61. Uganda; 62. Vietnam; 63. Yemen; 64. Zambia.

Candidate Countries: Lower Middle Income Category

1. Albania;
2. Algeria;
3. Angola;
4. Armenia;
5. Azerbaijan;
6. Bosnia and Herzegovina;
7. Cape Verde;
8. Colombia;
9. Dominican Republic;
10. Ecuador;
11. El Salvador;
12. Georgia;
13. Guatemala;
14. Jordan;
15. Macedonia;
16. Maldives;
17. Marshall Islands;
18. Micronesia, Fed. Sts.;
19. Morocco;
20. Namibia;
21. Peru;
22. Samoa;
23. Swaziland;
24. Thailand;
25. Tonga;
26. Tunisia;
27. Tuvalu;
28. Ukraine;
29. Vanuatu.

Countries That Would Be Candidate Countries but for Legal Prohibitions That Prohibit Assistance

Countries that would be considered candidate countries for FY 2009, but are ineligible to receive United States economic assistance under Part I of the Foreign Assistance Act by reason of the application of any provision of the Foreign Assistance Act or any other provision of law are listed below. As noted above, this list is based on legal prohibitions against economic assistance that apply for FY 2008 and that are anticipated to apply again for FY 2009.

Prohibited Countries: Low Income Category

1. Burma is subject to numeous restrictions, including but not limited to Section 570 of the FY 1997 Foreign Operations, Export Financing, and Related Programs Appropriations Act (Pub. L. 104–208) which prohibits assistance to the government of Burma until it makes progress on improving human rights and implementing democratic government, and due to its status as a major drug-transit or major illicit drug producing country for 2008 (Presidential Determination No. 2007–33 (9/14/2007)) and a Tier III country under the Trafficking Victims Protection Act (Presidential Determination No. 2008–4 (10/18/2007)).

2. The Cote d'Ivoire is subject to Section 608 of the FY 2008 SFOAA, which prohibits assistance to the government of a country whose duly elected head of government is deposed by military coup or decree.

3. Iraq is subject to Section 699K of the FY 2008 SFOAA, which prohibits the use of FY 2008 SFOAA funds for assistance to Iraq.

4. Mauritania is subject to section 608 of the FY 2008 SFOAA, which prohibits assistance to the government of a country whose duly elected head of government is deposed by military coup or decree.

5. North Korea is subject to numerous restrictions, including but not limited to section 620A of the Foreign Assistance Act which prohibits assistance to governments supporting international terrorism and Section 607 of the FY 2008 SFOAA.

6. Sudan is subject to numerous restrictions, including but not limited to Section 620A of the Foreign Assistance Act which prohibits assistance to governments supporting international terrorism, Section 612 of the FY 2008 SFOAA, and Section 620(q) of the Foreign Assistance Act, both of which prohibit assistance to countries in default in payment to the U.S. in certain circumstances, Section 608 of the FY 2008 SFOAA, which prohibits assistance to a country whose duly elected head of government being deposed by military coup or decree, and Section 666 of the FY 2008 SFOAA.

7. Syria is subject to numerous restrictions, including but not limited to 620A of the Foreign Assistance Act which prohibits assistance to governments supporting international terrorism, Section 607 of the FY 2008 SFOAA which prohibits direct assistance, and section 612 of the FY 2008 SFOAA and Section 620(q) of the Foreign Assistance Act, both of which prohibit assistance to countries in default in payment to the U.S. in certain circumstances.

8. Uzbekistan's central government is subject to Section 685 of the FY 2008 SFOAA, which requires that funds appropriated for assistance to the central government of Uzbekistan may be made available only if the Secretary of State determines and reports to the Congress that the government is making substantial and continuing progress in meeting its commitments under a framework agreement with the United States.

9. Zimbabwe is subject to Section 620(q) of the Foreign Assistance Act and Section 612 of the FY 2008 SFOAA, which prohibit assistance to countries in default in payment to the United States in certain circumstances.

Prohibited Countries: Lower Middle Income Category

1. China is not eligible to receive economic assistance from the United States, absent special authority, because of concerns relative to China's record on human rights.

2. Iran is subject to numerous restrictions, including but not limited to Section 620A of the Foreign Assistance Act which prohibits assistance to governments supporting international terrorism and Section 607 of the FY 2008 SFOAA which prohibits direct assistance.

Countries identified above as candidate countries, as well as countries that would be considered candidate countries but for the applicability of legal provisions that prohibit U.S. economic assistance, may be the subject of future statutory restrictions or determinations, or changed country circumstances, that affect their legal eligibility for assistance under Part I of the Foreign Assistance Act by reason of application of Foreign Assistance Act or any other provision of law for FY 2009. MCC will include any required updates on such statutory eligibility that affect countries' identification as candidate countries for FY 2009, at such time as it publishes the notices required by Sections 608(b) and 608(d) of the Act or at other appropriate times. Any such updates with regard to the legal eligibility or ineligibility of particular countries identified in this report will not affect the date on which the Board is authorized to determine eligible countries from among candidate countries which, in accordance with Section 608(a) of the Act, shall be no sooner than 90 days from the date of publication of this report.

[FR Doc. E8–21272 Filed 9–10–08; 8:45 am]

BILLING CODE 9211–03–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency proposes to request extension of a currently approved information collection used to permit the public and other Federal agencies to use its official seal(s) and/or logo(s). The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before November 10, 2008 to be assured of consideration.

ADDRESSES: Comments should be sent to: Paperwork Reduction Act Comments (NHP), Room 4400, National Archives and Records Administration, 8601 Adelphi Rd, College Park, MD 20740–6001; or faxed to 301–713–7409; or electronically mailed to *tamee.fechhelm@nara.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collections and supporting statements should be directed to Tamee Fechhelm at telephone number 301–837–1694, or fax number 301–713–7409.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) Whether the proposed collection information is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collections; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology; and (e) whether small businesses are affected by this collection. The comments that are submitted will be summarized and included in the NARA request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this notice, NARA is soliciting comments concerning the following information collection:

Title: Use of NARA Official Seals.

OMB number: 3095–0052.

Agency form number: N/A.

Type of review: Regular.

Affected public: Business or other for-profit, not-for-profit institutions, Federal Government.

Estimated number of respondents: 10.

Estimated time per response: 20 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 3 hours.

Abstract: The authority for this information collection is contained in 36 CFR 1200.8. NARA's three official seals are the National Archives and Records Administration seal; the National Archives seal; and the National Archives Trust Fund Board seal. The official seals are used to authenticate various copies of official records in our custody and for other official NARA business. Occasionally, when criteria are met, we will permit the public and other Federal agencies to use our official seals. A written request must be submitted to use the official seals, which we approve or deny using specific criteria.

Dated: September 4, 2008.

Martha Morphy,

Assistant Archivist for Information Services.

[FR Doc. E8–21067 Filed 9–10–08; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guide: Issuance, Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance and Availability of Draft Regulatory Guide, DG–3031.

FOR FURTHER INFORMATION CONTACT: Breeda Reilly, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: (301) 492–3110 or e-mail to *Breeda.Reilly@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) has issued for public comment a draft regulatory guide in the agency's ''Regulatory Guide'' series. This series was developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The draft regulatory guide (DG), titled, ''Standard Format and Content for the Health and Safety Sections of License Renewal Applications for Uranium Processing and Fuel Fabrication,'' is temporarily identified by its task number, DG–3031, which should be mentioned in all related correspondence.

The proposed Revision 2 of Regulatory Guide 3.52 endorses the methods and procedures for evaluation and verification of the licensing of special nuclear material (SNM) of NUREG–1520, ''Standard Review Plan for the Review of a License Application for a Fuel Cycle Facility'' as a process that has been found acceptable to the NRC for meeting the regulatory requirements.

The regulations of the NRC in Title 10, Part 70, ''Domestic Licensing of Special Nuclear Material'' of the Code of Federal Regulations (10 CFR Part 70) establish procedures and criteria for the licensing of SNM. In 10 CFR 70.73, ''Renewal of Licenses,'' the regulations specify that applications for renewal of licenses (including licenses for enriched uranium processing, fuel fabrication, uranium enrichment, enriched uranium hexafluoride conversion, plutonium processing, fabrication of mixed-oxide fuel, and scrap recovery of SNM) be filed in accordance with 10 CFR 2.109, ''Effect of Timely Renewal Application''; 10 CFR 70.21, ''Filing''; 10 CFR 70.22, ''Contents of Applications''; 10 CFR 70.33, ''Renewal of Licenses''; 10 CFR 70.38, ''Expiration and Termination of Licenses and Decommissioning of Sites and Separate Buildings or Outdoor Areas''; and 10 CFR 70.65, ''Additional Content of Applications.''

While the regulations provide general information for filing license renewal applications, NUREG–1520 identifies the specific information to be submitted by an applicant and evaluated by the staff. NUREG–1520 both provides guidance on the information to be included in licensing applications and establishes a format for presenting the information. Use of a standard format helps ensure uniformity and completeness in the preparation of licensing applications.

II. Further Information

The NRC staff is soliciting comments on DG–3031. Comments may be accompanied by relevant information or supporting data, and should mention DG–3031 in the subject line. Comments submitted in writing or in electronic form will be made available to the public in their entirety through the NRC's Agencywide Documents Access and Management System (ADAMS).

Personal information will not be removed from your comments. You may submit comments by any of the following methods:

1. Mail comments to: Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

2. E-mail comments to: *nrcrep.resource@nrc.gov*.

3. Hand-deliver comments to: Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

4. Fax comments to: Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 415–5144.

Requests for technical information about DG–3031 may be directed to Breeda Reilly at (301) 492–3110 or e-mail to *Breeda.Reilly@nrc.gov*.

Comments would be most helpful if received by November 10, 2008. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of DG–3031 are available through the NRC's public Web site under Draft Regulatory Guides in the ''Regulatory Guides'' collection of the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/doc-collections/*. Electronic copies are also available in ADAMS (*http://www.nrc.gov/reading-rm/adams.html*), under Accession No. ML082110220.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR), which is located at 11555 Rockville Pike, Rockville, Maryland. The PDR's mailing address is USNRC PDR, Washington, DC 20555–0001. The PDR can also be reached by telephone at (301) 415–4737 or (800) 397–4205, by fax at (301) 415–3548, and by e-mail to *pdr.resource@nrc.gov*.

Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

Dated at Rockville, Maryland, this 4th day of September, 2008.

For the Nuclear Regulatory Commission.

Stephen C. O'Connor,

Acting Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. E8–21103 Filed 9–10–08; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF NATIONAL DRUG CONTROL POLICY

Paperwork Reduction Act; 10-Day Notice

AGENCY: Office of National Drug Control Policy.

The National Youth Anti-Drug Media Campaign is in the process of renewing without change three data collection instruments. These data collection instruments—qualitative testing of creative advertising concepts (OMB 3201–0011), quantitative testing of near-final advertising before airing (OMB 3201–0006), and a tracking study to measure advertising effectiveness (OMB 3201–0010)—are critical to the continuity of the campaign and are key contributors to the downturn in teen drug abuse.

ONDCP was unable to meet the requirements for 60-day and 30-day notices for a regular renewal of existing data collection instruments. As such, emergency renewal is being submitted for a 6-month extension of the data collection instruments. During this extension period, the 60- and 30-day notices will be published in the **Federal Register**.

Address comments within 10 days to Mark Krawczyk, ONDCP, Room 737, Washington, DC 20503, by e-mail to *MKrawczyk@ondcp.eop.gov*, or by telephone at (202) 395–6720.

Signed on September 5, 2008.

Daniel R. Petersen,

Assistant General Counsel.

[FR Doc. E8–21053 Filed 9–10–08; 8:45 am]

BILLING CODE 3180–02–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2008–11, CP2008–12, and CP2008–13; Order No. 95]

Global Expedited Package Services 1

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: This document announces the filing of three Postal Service notices regarding Global Expedited Package Service (GEPS) contracts and related Commission review. Publication of this document satisfies procedural requirements. It also allows interested persons an opportunity to comment.

DATES: Postal Service filings are due August 15, 2008. Public comments are due August 20, 2008.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov*.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202–789–6820 and *stephen.sharfman@prc.gov*.

SUPPLEMENTARY INFORMATION: On August 5, 2008, the Postal Service filed three identical notices, which have been assigned to Docket Nos. CP2008–11, CP2008–12, and CP2008–13, announcing prices and classification changes for competitive products not of general applicability.[1] These notices announce individual negotiated service agreements, namely, specific Global Expedited Package Service (GEPS) contracts the Postal Service has entered into with individual mailers. The Postal Service believes each is functionally equivalent to the Global Expedited Package Services 1 (GEPS 1) product established in Docket No. CP2008–5. These dockets have been filed pursuant to 39 U.S.C. 3633, 39 CFR 3015.5 and Order No. 86.[2] In Order No. 86, the Commission found that additional contracts may be included as part of the GEPS 1 product if they meet the requirements of 39 U.S.C. 3633 and if they are substantially equivalent to the initial GEPS 1 contract.[3]

In support of each of these dockets, the Postal Service also filed the contract and supporting materials under seal. The Governor's Decision supporting the GEPS 1 product was filed in consolidated Docket No. CP2008–5.[4] The Notices also contain the Postal Service's arguments that these agreements are substantially equivalent and that they exhibit similar cost and market characteristics. Notices at 3–5.

Interested persons may express views and offer comments on whether the planned changes are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642. Comments are due no later than August 20, 2008.

In addition, the Commission directs the Postal Service to provide a detailed justification for why it believes that information other than the name of the contracting party and the percentages listed in the certification and explanation filed pursuant to 39 CFR 3015.5(c)(2) is considered highly confidential or otherwise entitled to be filed under seal. An answer is due no later than August 15, 2008. If the Postal Service determines that the filing of a redacted version of the certification is appropriate, it shall file such certification as soon as possible.

Pursuant to 39 U.S.C. 505, Michael Ravnitzky is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in the above-captioned dockets.

Ordering Paragraphs

It is Ordered:

1. Comments on issues in these proceedings are due no later than August 20, 2008.

2. The Postal Service is directed to provide a response to the Commission's inquiry as set forth in the body of this order no later than August 15, 2008.

3. The Commission appoints Michael Ravnitzky as Public Representative to represent the interests of the general public in this proceeding.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

Issued: August 11, 2008.

By the Commission.

Steven W. Williams,

Secretary.

[FR Doc. E8–21055 Filed 9–10–08; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of United States Postal Service of Filing of Functionally Equivalent Global Expedited Package Services 1 Negotiated Service Agreements, August 5, 2008, filed in Docket Nos. CP2008–11, CP2008–12, and CP2008–13 (Notices).

[2] Docket No. CP2008–5, Order Concerning Global Expedited Package Services Contracts, July 23, 2008 (Order No. 86).

[3] Order No. 86 at 7 (''The Commission will verify whether or not any subsequent contract is in fact substantially equivalent. Contracts not having substantially the same terms and conditions as the GEPS 1 contract must be filed under 39 CFR part 3020, subpart B.'').

[4] Docket No. CP2008–5, United States Postal Service Notice of Filing Redacted Copy of Governors' Decision No. 08–7, July 23, 2008.

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–28377; 812–13572]

Prudential Financial, Inc., et al.; Notice of Application and Temporary Order

September 5, 2008.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Temporary order and notice of application for a permanent order under section 9(c) of the Investment Company Act of 1940 (''Act'').

SUMMARY OF APPLICATION: Applicants have received a temporary order exempting them from section 9(a) of the Act, with respect to an injunction entered against Prudential Financial, Inc. (''Prudential'') on September 4, 2008 by the United States District Court for the District of New Jersey (''Injunction'') until the Commission takes final action on an application for a permanent order. Applicants also have applied for a permanent order.

APPLICANTS: Prudential, Prudential Investment Management, Inc. (''PIM, Inc.''), Prudential Investments LLC (''PI LLC''), The Prudential Insurance Company of America (''Prudential Insurance''), Jennison Associates LLC (''Jennison''), Prudential Bache Asset Management, Inc. (''Bache''), Quantitative Management Associates LLC (''QMA, LLC''), Pruco Securities, LLC (''Pruco''), AST Investment Services, Inc. (''AST Investment''), Prudential Annuities Distributors, Inc. (''PAD''), Prudential Investment Management Services LLC (''PIMS LLC''), Pruco Life Insurance Company (''Pruco Life''), Pruco Life Insurance Company of New Jersey (''Pruco Life NJ''), Prudential Annuities Life Assurance Corporation (''PALAC'') and Prudential Retirement Insurance and Annuity Company (''PRIAC'') (collectively, other than Prudential, the ''Fund Servicing Applicants'' and together with Prudential, the ''Applicants'').[1]

FILING DATES: The application was filed on September 5, 2008.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests

[1] Applicants request that any relief granted pursuant to the application also apply to any other company of which Prudential is or may become an affiliated person (together with the Applicants, the ''Covered Persons'').

should be received by the Commission by 5:30 p.m. on September 30, 2008, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090; Applicants c/o Kathryn Quirk, Prudential Financial, Inc., 751 Broad Street, Newark, New Jersey 07102.

FOR FURTHER INFORMATION CONTACT: Keith A. Gregory, Senior Counsel, at 202–551–6815 or Janet M. Grossnickle, Assistant Director, at 202–551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549–1520 (tel. 202–551–5850).

Applicants' Representations

1. Prudential, through its subsidiaries and affiliates, offers a wide array of financial products and services, including life insurance, annuities, mutual funds, pension and retirement-related services and administration, investment management, real estate brokerage and relocation services. Each of the Fund Servicing Applicants is an indirect wholly owned subsidiary of Prudential. PIM, Inc., PI LLC, Jennison, QMA, LLC and AST Investment (collectively, ''Adviser Applicants'') are investment advisers registered under the Investment Advisers Act of 1940 (''Advisers Act'') that provide investment management and advisory services to certain registered investment companies (''Funds''). Bache is an investment adviser registered under the Advisers Act and plans to provide advisory services to Funds in the near future. Pruco, PAD, and PIMS LLC are broker-dealers registered under the Securities Exchange Act of 1934 (''Exchange Act'') and serve as a principal underwriter to open-end Funds and Funds that are unit investment trusts (''UITs''). Prudential Insurance, Pruco Life, Pruco Life NJ, PALAC and PRIAC serve as depositors for registered separate accounts, all of which are Funds.

2. On September 4, 2008, the United States District Court for the District of New Jersey entered the Injunction against Prudential in a matter brought by the Commission.[2] The Commission alleged in the complaint (''Complaint'') that Prudential violated sections 13(a), 13(b)(2)(A) and 13(b)(2)(B) of the Exchange Act and rules 12b–20, 13a–1, 13a–11 and 13a–13 under the Exchange Act, in connection with Prudential's accounting and public reporting practices. The Complaint relates to Prudential's inaccurate recording of income for 2000, 2001, and 2002 in the consolidated financial statements included in its periodic and other filings for the years 2001, 2002 and 2003. The inaccuracies in the financial statements related to recorded income from a series of purported reinsurance contracts entered into from 1997 to 2002 between the General Reinsurance Company and two former property and casualty subsidiaries of Prudential. The Complaint alleged that Prudential violated the financial reporting, books and records, and internal controls provisions of the Exchange Act. Without admitting or denying any of the allegations in the Complaint, except as to jurisdiction, Prudential consented to the entry of the Injunction.

Applicants' Legal Analysis

1. Section 9(a)(2) of the Act, in relevant part, prohibits a person who has been enjoined from engaging in or continuing any conduct or practice in connection with the purchase or sale of a security, or in connection with activities as an affiliated person of any insurance company, from acting, among other things, as an investment adviser or depositor of any registered investment company or a principal underwriter for any registered open-end investment company, registered unit investment trust, or registered face-amount certificate company. Section 9(a)(3) of the Act makes the prohibition in section 9(a)(2) applicable to a company, any affiliated person of which has been disqualified under the provisions of section 9(a)(2). Section 2(a)(3) of the Act defines ''affiliated person'' to include, among others, any person directly or indirectly controlling, controlled by, or under common control, with the other person and any person directly or indirectly owning, controlling, or holding with the power to vote, 5 percent or more of the outstanding voting securities of such other person. Applicants state that Prudential is an affiliated person of each of the other Applicants within the meaning of section 2(a)(3). Applicants state that, as a result of the Injunction, they would be subject to the prohibitions of section 9(a).

2. Section 9(c) of the Act provides that the Commission shall grant an application for an exemption from the disqualification provisions of section 9(a) of the Act if it is established that these provisions, as applied to Applicants, are unduly or disproportionately severe or that the conduct of the Applicants has been such as not to make it against the public interest or the protection of investors to grant the exemption. Applicants have filed an application pursuant to section 9(c) seeking temporary and permanent orders exempting them from the disqualification provisions of section 9(a).

3. Applicants believe that they meet the standards for exemption specified in section 9(c). Applicants state that the prohibitions of section 9(a) as applied to them would be unduly and disproportionately severe and that it would not be against the public interest or the protection of investors to grant the requested exemption from section 9(a).

4. Applicants state that the alleged conduct giving rise to the Injunction did not involve any of the Applicants acting in the capacity of investment adviser, subadviser, depositor or principal underwriter for any Fund. Applicants note that none of the current or former directors, officers, or employees of the Applicants (other than Prudential itself) had any involvement in the conduct alleged in the Complaint. Applicants further state that the personnel at Prudential who were involved in the violations alleged in the complaint have had no and will not have any future involvement in providing advisory, subadvisory, depository, or underwriting services to Funds. In addition, Applicants represent that no Fund to which any Fund Servicing Applicant provides investment advisory, depository or underwriting services bought or held any securities issued by Prudential during the period covered by the Complaint, other than with respect to index funds and routine trade errors that were promptly corrected.

5. Applicants state that their inability to continue to provide advisory and underwriting services to the Funds and to serve as depositor to Funds would result in potentially severe hardships for the Funds and their shareholders. Applicants state that they will distribute

[2] *Securities and Exchange Commission* v. *Prudential Financial, Inc.*, Final Judgment on Consent Against Defendant Prudential Financial, Inc. 08–cv–03916 (PGS) (D.N.J. Sept. 4, 2008).

written materials, including an offer to meet in person to discuss the materials, to the boards of directors of the Funds (the ''Boards''), including the directors who are not ''interested persons,'' as defined in section 2(a)(19) of the Act, of such Funds, and their independent legal counsel as defined in rule 0–1(a)(6) under the Act, if any, regarding the Injunction, any impact on the Funds, and the application. Applicants state that they will provide the Boards with all information concerning the Injunction and the application that is necessary for the Funds to fulfill their disclosure and other obligations under the federal securities laws.

6. Applicants also state that, if they were barred from providing services to the Funds, the effect on their businesses and employees would be severe. Applicants state that they have committed substantial resources to establish an expertise in advising, subadvising, and distributing the Funds, and acting as a depositor to registered separate accounts. Applicants further state that prohibiting them from providing advisory and distribution services or acting as a depositor to the registered separate accounts would not only adversely affect their businesses, but would also adversely affect over 2000 employees that are involved in those activities. Applicants state that they have not previously applied for an exemptive order under section 9(c) of the Act. Applicants state that an affiliate of Prudential previously obtained an order under section 9(c) of the Act.[3]

Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Any temporary exemption granted pursuant to the application shall be without prejudice to, and shall not limit the Commission's rights in any manner with respect to, any Commission investigation of, or administrative proceedings involving or against, Covered Persons, including without limitation, the consideration by the Commission of a permanent exemption from section 9(a) of the Act requested pursuant to the application, or the revocation or removal of any temporary exemptions granted under the Act in connection with the application.

Temporary Order

The Commission has considered the matter and finds that the Applicants have made the necessary showing to justify granting a temporary exemption.

Accordingly,

It is hereby ordered, pursuant to section 9(c) of the Act, that Applicants and any other Covered Persons are granted a temporary exemption from the provisions of section 9(a), solely with respect to the Injunction, subject to the condition in the application, from September 5, 2008, until the Commission takes final action on their application for a permanent order.

By the Commission.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E8–21143 Filed 9–10–08; 8:45 am]

BILLING CODE 8010–01–P

[3] In the Matter of Prudential Securities Incorporated, Investment Company Act Rel. Nos. 18031 (Mar. 6, 1991) (notice) and 18096 (Apr. 15, 2005) (order).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 28376; 812–13505]

Fidelity Aberdeen Street Trust, et al.; Notice of Application

September 5, 2008.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from rule 12d1–2(a) under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit registered open-end management investment companies relying on rule 12d1–2 under the Act to invest in certain financial instruments.

APPLICANTS: Fidelity Management & Research Company (''FMR''), Strategic Advisers, Inc. (''SAI''), FMR Co., Inc. (''FMRC'') (each, an ''Adviser''); Fidelity Distributors Corporation (''FDC'') and National Financial Services LLC (''NFS'') (each, a ''Distributor''); and Fidelity Aberdeen Street Trust, Fidelity Fixed-Income Trust, Fidelity Income Fund, and Variable Insurance Products Fund V (each, a ''Trust'').

FILING DATES: The application was filed on February 29, 2008, and amended on June 18, 2008, and September 2, 2008.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on September 29, 2008 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 100 F Street, NE., Washington, DC 20549–1090; Applicants, 82 Devonshire Street, Boston, MA 02109.

FOR FURTHER INFORMATION CONTACT: Keith A. Gregory, Senior Counsel, at (202) 551–6815, or Michael W. Mundt, Assistant Director, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549–1520 (telephone (202) 551–5850).

Applicants' Representations

1. Each Trust is organized as either a Delaware statutory trust or a Massachusetts business trust and is registered under the Act as an open-end management investment company. Applicants request an exemption to the extent necessary to permit any existing or future registered open-end management investment company or series thereof advised by an Adviser or an entity controlling, controlled by, or under common control with an Adviser and that invests in other investment companies in reliance on section 12(d)(1)(G) of the Act, and that is also eligible to invest in securities (as defined in section 2(a)(36) of the Act) in reliance on rule 12d1–2 under the Act (together with the Trusts and their series, the ''Funds''), to also invest, to the extent consistent with its investment objective, policies, strategies and limitations, in financial instruments that may not be securities within the meaning of section 2(a)(36) of the Act (''Other Investments'').[1]

2. SAI or FMRC currently serves as the investment adviser to each of the Funds. Each Adviser is an investment adviser registered under the Investment Advisers Act of 1940 and a direct or indirect subsidiary of FMR LLC, a

[1] Each existing registered open-end management investment company that currently intends to rely on the order is named as an applicant. Any other existing or future registered open-end management investment company that subsequently relies on the order will do so only in accordance with the terms and conditions of the application.

Delaware limited liability company (''FMR LLC''). Each Distributor is a broker-dealer registered under the Securities Exchange Act of 1934 (''Exchange Act'') and a direct or indirect subsidiary of FMR LLC. FDC is currently the distributor of the Funds.

3. Consistent with its fiduciary obligations under the Act, each Fund's board of trustees will review the advisory fees charged by the Fund's investment adviser to ensure that they are based on services provided that are in addition to, rather than duplicative of, services provided pursuant to the advisory agreement of any investment company in which the Fund may invest.

Applicants' Legal Analysis

1. Section 12(d)(1)(A) of the Act provides that no registered investment company (''acquiring company'') may acquire securities of another investment company (''acquired company'') if such securities represent more than 3% of the acquired company's outstanding voting stock or more than 5% of the acquiring company's total assets, or if such securities, together with the securities of other investment companies, represent more than 10% of the acquiring company's total assets. Section 12(d)(1)(B) of the Act provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or cause more than 10% of the acquired company's voting stock to be owned by investment companies.

2. Section 12(d)(1)(G) of the Act provides that section 12(d)(1) will not apply to securities of an acquired company purchased by an acquiring company if: (i) the acquiring company and acquired company are part of the same group of investment companies; (ii) the acquiring company holds only securities of acquired companies that are part of the same group of investment companies, government securities, and short-term paper; (iii) the aggregate sales loads and distribution-related fees of the acquiring company and the acquired company are not excessive under rules adopted pursuant to section 22(b) or section 22(c) of the Act by a securities association registered under section 15A of the Exchange Act or by the Commission; and (iv) the acquired company has a policy that prohibits it from acquiring securities of registered open-end management investment companies or registered unit investment trusts in reliance on section 12(d)(1)(F) or (G) of the Act.

3. Rule 12d1–2 under the Act permits a registered open-end investment company or a registered unit investment trust that relies on section 12(d)(1)(G) of the Act to acquire, in addition to securities issued by another registered investment company in the same group of investment companies, government securities, and short-term paper: (i) securities issued by an investment company that is not in the same group of investment companies, when the acquisition is in reliance on section 12(d)(1)(A) or 12(d)(1)(F) of the Act; (ii) securities (other than securities issued by an investment company); and (iii) securities issued by a money market fund, when the investment is made in reliance on rule 12d1–1 under the Act. For the purposes of rule 12d1–2, ''securities'' means any security as that term is defined in section 2(a)(36) of the Act.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction from any provision of the Act, or from any rule under the Act, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

5. Applicants state that the proposed arrangement would comply with the provisions of rule 12d1–2 under the Act, but for the fact that the Funds may invest a portion of their assets in Other Investments. Applicants request an order under section 6(c) of the Act for an exemption from rule 12d1–2(a) to allow the Funds to invest in Other Investments. Applicants assert that permitting the Funds to invest in Other Investments as described in the application would not raise any of the concerns that the requirements of section 12(d)(1) were designed to address.

Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Applicants will comply with all provisions of rule 12d1–2 under the Act, except for paragraph (a)(2), to the extent that it restricts any Fund from investing in Other Investments as described in the application.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E8–21144 Filed 9–10–08; 8:45 am]

BILLING CODE 8010–01–P

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of final action regarding technical and conforming amendments to federal sentencing guidelines effective November 1, 2008.

SUMMARY: On May 1, 2008, the Commission submitted to Congress amendments to the federal sentencing guidelines and published these amendments in the **Federal Register** on May 9, 2008. *See* 73 FR 26924. The Commission has made technical and conforming amendments, set forth in this notice, to commentary provisions related to those amendments.

DATES: The Commission has specified an effective date of November 1, 2008, for the amendments set forth in this notice.

FOR FURTHER INFORMATION CONTACT: Michael Courlander, Public Affairs Officer, Telephone: (202) 502–4590.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission, an independent commission in the judicial branch of the United States government, is authorized by 28 U.S.C. 994(a) to promulgate sentencing guidelines and policy statements for federal courts. Section 994 also directs the Commission to review and revise periodically promulgated guidelines and authorizes it to submit guideline amendments to Congress not later than the first day of May each year. *See* 28 U.S.C. 994(o), (p). Absent an affirmative disapproval by Congress within 180 days after the Commission submits its amendments, the amendments become effective on the date specified by the Commission (typically November 1 of the same calendar year). *See* 28 U.S.C. 994(p).

Unlike amendments made to sentencing guidelines, amendments to commentary may be made at any time and are not subject to congressional review. To the extent practicable, the Commission endeavors to include amendments to commentary in any submission of guideline amendments to Congress. Occasionally, however, the Commission determines that technical and conforming changes to commentary are necessary. This notice sets forth technical and conforming amendments to commentary that will become effective on November 1, 2008.

Authority: USSC Rules of Practice and Procedure 4.1.

Ricardo H. Hinojosa,
Chair.

Technical and Conforming Amendments

1. *Amendment:* Chapter One, as amended by Amendment 1 submitted to Congress on May 1, 2008 (73 FR 26924; USSG App. C (amendment 717)), is amended in the heading by inserting a comma after ''AUTHORITY''.

The Commentary to § 2A3.1 captioned ''Application Notes'' is amended in Note 5 by striking ''(c)(1)'' each place it appears and inserting ''(c)(2)''.

The Commentary to § 2B1.1 captioned ''Application Notes'' is amended in Note 3(F)(i) by striking ''7(A)'' and inserting ''9(A)''.

The Commentary to § 5K2.0 captioned ''Background'' is amended in the second paragraph by striking ''Historical Note to § 1A1.1 (Authority)'' and inserting ''Chapter One, Part A''.

Appendix A (Statutory Index) is amended by inserting after the line reference to 18 U.S.C. 1039 the following:

''18 U.S.C. 1040 2B1.1''.

Reason for Amendment: This amendment makes various technical and conforming changes. Specifically, the amendment makes a clerical change to the chapter heading of Chapter One; corrects inaccurate references in the Commentary to § 2A3.1 Criminal Sexual Abuse; Attempt to Commit Criminal Sexual Abuse), § 2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States), and § 5K2.0 (Grounds for Departure), and amends Appendix A (Statutory Index) to repromulgate the line reference to 18 U.S.C. 1040, which had been added by Amendment 714 (*see* USSG App. C (Amendment 714)).

[FR Doc. E8–21174 Filed 9–10–08; 8:45 am]

BILLING CODE 2211–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11311 and #11312]

Missouri Disaster Number MO–00030

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 5.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Missouri (FEMA–1773–DR), dated 06/28/2008.

Incident: Severe Storms and Flooding.

Incident Period: 06/01/2008 and continuing through 08/13/2008.

Effective Date: 09/03/2008.

Physical Loan Application Deadline Date: 09/10/2008.

EIDL Loan Application Deadline Date: 03/30/2009.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Missouri, dated 06/28/2008 is hereby amended to re-establish the incident period for this disaster as beginning 06/01/2008 and continuing through 08/13/2008.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,
Acting Associate Administrator for Disaster Assistance.

[FR Doc. E8–21120 Filed 9–10–08; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 6358]

30-Day Notice of Proposed Information Collection: Form DS–3083, Training Registration (for Non-U.S. Government Persons), OMB Control No. 1405–0145

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Training Registration (For Non-U.S. Government Persons).
- *OMB Control Number:* 1405–0145.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Foreign Service Institute, FSI/EX.
- *Form Number:* DS–3083.
- *Respondents:* Respondents are non-U.S. government persons and/or their eligible family members, authorized by Public Law 105–277 to receive training delivered by the Foreign Service Institute on a reimbursable or advance-of-funds basis.
- *Estimated Number of Respondents:* 100.
- *Estimated Number of Responses:* 100.
- *Average Hours Per Response:* 0.5.
- *Total Estimated Burden:* 50.
- *Frequency:* On occasion.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

DATES: Submit comments to the Office of Management and Budget (OMB) for up to 30 days from September 11, 2008.

ADDRESSES: Direct comments and questions to Katherine Astrich, the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB), who may be reached at 202–395–4718. You may submit comments by any of the following methods:

- *E-mail: kastrich@omb.eop.gov*. You must include the DS form number, information collection title, and OMB control number in the subject line of your message.
- *Mail (paper, disk, or CD–ROM submissions):* Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503.
- *Fax:* 202–395–6974

FOR FURTHER INFORMATION CONTACT: You may obtain copies of the proposed information collection and supporting documents from Wayne A. Oshima, Foreign Service Institute, Office of Management, U.S. Department of State, Washington, DC 20522–4201, who may be reached on 703–302–6730 or at *oshimawa@state.gov*.

SUPPLEMENTARY INFORMATION: We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary to properly perform our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond,

Abstract of proposed collection:

This data collection tool is to be used to obtain information from non-U.S. Government persons so that they can enroll in courses offered by the Department of State's Foreign Service Institute. This includes information of a

personal and business nature, and credit card information so that the Department can receive reimbursement.

Methodology:

This information will be collected in hard copy format, which is either mailed or transmitted by facsimile machine to the Foreign Service Institute.

Dated: August 26, 2008.

Catherine J. Russell,

Executive Director, Foreign Service Institute, Department of State.

[FR Doc. E8–21126 Filed 9–10–08; 8:45 am]

BILLING CODE 4710–34–P

TENNESSEE VALLEY AUTHORITY

Meeting of the TVA Regional Resource Stewardship Council

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of meeting.

SUMMARY: The TVA Regional Resource Stewardship Council (RRSC) will hold a meeting on October 9 and October 10, 2008, to obtain views and advice on the topic of TVA's Commercial and Dispersed Recreation Strategy and its Violations & Encroachments Strategy.

The RRSC was established to advise TVA on its natural resource stewardship activities. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2, (FACA).

The meeting agenda includes the following:

(1) TVA Updates;

(2) TVA's Environmental Policy and a summary of the RRSC Recommendations on Stewardship Issues;

(3) TVA's Commercial Recreation Strategy;

(4) TVA's Dispersed Recreation Strategy;

(5) TVA's Violations & Encroachments Strategy;

(6) Public Comments;

(7) Council Discussion and Advice.

The TVA Regional Resource Stewardship Council will hear opinions and views of citizens by providing a public comment session. The public comment session will be held at 9:30 a.m., EDT, on Friday, October 10. Persons wishing to speak are requested to register at the door by 9 a.m., EDT, on October 10 and will be called on during the public comment period. Handout materials should be limited to one printed page. Written comments are also invited and may be mailed to the Regional Resource Stewardship Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 11B, Knoxville, Tennessee 37902.

DATES: The meeting will be held on Thursday, October 9, 2008, from 8:30 a.m. to 4:15 p.m., EDT, and on Friday, October 10, 2008, from 8 a.m. to 12:30 p.m., EDT.

ADDRESSES: The meeting will be held in the Auditorium of the TVA Headquarters at 400 West Summit Hill Drive, Knoxville, Tennessee 37902, and will be open to the public. Anyone needing special access or accommodations should let the contact below know at least a week in advance.

FOR FURTHER INFORMATION CONTACT: Beth Keel, 400 West Summit Hill Drive, WT 11B, Knoxville, Tennessee 37902, (865) 632–6113.

Dated: September 5, 2008.

Peyton T. Hairston, Jr.,

Senior Vice President, Corporate Responsibility & Diversity, Tennessee Valley Authority.

[FR Doc. E8–21201 Filed 9–10–08; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Sunshine Act Meetings; Unified Carrier Registration Plan Board of Directors

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

TIME AND DATE: October 9, 2008, 12 noon to 3 p.m., Eastern Daylight Time.

PLACE: This meeting will take place telephonically. Any interested person may call Mr. Avelino Gutierrez at (505) 827–4565 to receive the toll free number and pass code needed to participate in these meetings by telephone.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the Board) will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement and to that end, may consider matters properly before the Board.

FOR FURTHER INFORMATION CONTACT: Mr. Avelino Gutierrez, Chair, Unified Carrier Registration Board of Directors at (505) 827–4565.

Dated: September 9, 2008.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E8–21324 Filed 9–9–08; 4:15 pm]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34992]

Itasca County Regional Rail Authority—Petition for Exemption—Construction of a Line of Railroad in Itasca County, MN

AGENCY: Surface Transportation Board.

ACTION: Issuance of a decision granting an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to construct a 9-mile rail line in Itasca County, MN.

SUMMARY: By petition filed on March 9, 2007, the Itasca County Regional Rail Authority, a noncarrier, seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to construct a 9-mile rail line from a connection with an existing rail line at Taconite, MN, to the site of a new steel mill to be built by Minnesota Steel Industries LLC at Nashwauk, MN, all located in Itasca County. The Board's decision served in this proceeding on September 8, 2008, grants the requested exemption and authorizes the construction, subject to environmental mitigation measures recommended in the Post Environmental Assessment (Post EA).

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 245–0395. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: 1–800–877–8339].

SUPPLEMENTARY INFORMATION: In a decision served on May 14, 2007, the Board instituted a proceeding under 49 U.S.C. 10502(b). The Board's Section of Environmental Analysis (SEA) conducted an environmental review of the proposed construction and alternatives to the proposal. An Environmental Assessment (EA), prepared by SEA, was issued for public review and comment on March 28, 2008. SEA then prepared a Post EA dated June 30, 2008. The Post EA considers all of the comments received on the EA, reflects SEA's further independent analysis, and sets forth SEA's final recommendations on alternatives and environmental mitigation.

After considering the entire record, including both the transportation aspects of the petition and the potential environmental issues, the Board is granting the requested exemption and authorizing the construction of the route designated as Alternative 2, subject to the environmental mitigation measures

recommended in the Post EA, which are set forth in the Appendix to the Board's decision served on September 8, 2008.

For additional information regarding this decision, including additional background information, a discussion of the Board's rail transportation analysis and environmental analysis, and the mitigation measures imposed in this proceeding, see the Board's decision served September 8, 2008, in *Itasca County Regional Rail Authority—Petition for Exemption—Construction of a line of Railroad in Itasca County, MN*, STB Finance Docket No. 34992.

Board decisions, notices, and filings in this and other Board proceedings are available on the Board's Web site at *http://www.stb.dot.gov*.

Decided: September 5, 2008.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

Anne K. Quinlan,

Acting Secretary.

[FR Doc. E8–21081 Filed 9–10–08; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1099–SA

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1099–SA, Distributions From an HSA, Archer MSA or Medical Advantage MSA.

DATES: Written comments should be received on or before November 10, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins at (202) 622–6665, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Allan.M.Hopkins@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Distributions From an HSA, Archer MSA or Medical Advantage MSA.

OMB Number: 1545–1517.

Form Number: 1099–SA.

Abstract: This form is used to report distributions from a medical savings account as required by Internal Revenue Code section 220(h).

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 25,839.

Estimated Time per Response: 8 min.

Estimated Total Annual Burden Hours: 3,618.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 4, 2008.

Allan Hopkins,

IRS Reports Clearance Officer.

[FR Doc. E8–21168 Filed 9–10–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8308

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8308, Report of a Sale or Exchange of Certain Partnership Interests.

DATES: Written comments should be received on or before November 10, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Allan Hopkins, (202) 622–6665, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the internet at *Allan.M.Hopkins@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Report of a Sale or Exchange of Certain Partnership Interests.

OMB Number: 1545–0941.

Form Number: 8308.

Abstract: Form 8308 is an information return that gives the IRS the names of the parties involved in an exchange of a partnership interest under Internal Revenue Code section 751(a). It is also used by the partnership as a statement to the transferor and transferee. It alerts the transferor that a portion of the gain on the sale of a partnership interest may be ordinary income.

Current Actions: There are no changes being made to Form 8308 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, and farms.

Estimated Number of Respondents: 200,000

Estimated Time Per Respondent: 7 hrs., 18 minutes.

Estimated Total Annual Burden Hours: 1,460,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 5, 2008.

Allan Hopkins,

IRS Reports Clearance Officer.

[FR Doc. E8–21171 Filed 9–10–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1120–F

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1120–F, U.S. Income Tax Return of a Foreign Corporation.

DATES: Written comments should be received on or before November 10, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–6665, or through the internet at *Allan.M.Hopkins@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: U.S. Income Tax Return of a Foreign Corporation.

OMB Number: 1545–0126.

Form Number: 1120–F.

Abstract: Form 1120–F is used by foreign corporations that have investments, or a business, or a branch in the U.S. The IRS uses Form 1120–F to determine if the foreign corporation has correctly reported its income, deductions, and tax, and to determine if it has paid the correct amount of tax.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 123,000.

Estimated Time Per Respondent: 61 hours, 58 minutes.

Estimated Total Annual Burden Hours: 7,622,314.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 8, 2008.

Allan Hopkins,

IRS Reports Clearance Officer.

[FR Doc. E8–21199 Filed 9–10–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Women Veterans; Notice of Availability of Report

In compliance with section 13 of Public Law 92–463 (Federal Advisory Committee Act) notice is hereby given that the 2008 Annual Report of the Department of Veterans Affairs (VA) Advisory Committee on Women Veterans has been issued. The report summarizes activities and recommendations of the Committee on matters relative to VA programs and policies affecting women veterans. It is available for public inspection at two locations:

Mr. Richard Yarnall, Federal Advisory Committee Desk, Library of Congress, Anglo-American Acquisition Division, Government Documents Section, Room LM–B42, 101 Independence Avenue, SE., Washington, DC 20540–4172; and

Department of Veterans Affairs, Center for Women Veterans, Suite 438 (00W), 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: September 3, 2008.

By Direction of the Secretary.

E. Philip Riggin,

Committee Management Officer.

[FR Doc. E8–21051 Filed 9–10–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0579]

Agency Information Collection (Request for Vocational Training Benefits—Certain Children of Vietnam Veterans) Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 14, 2008.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0579'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, FAX (202) 273–0443 or e-mail *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900–0579.''

SUPPLEMENTARY INFORMATION:

Title: Request for Vocational Training Benefits—Certain Children of Vietnam Veterans, 38 CFR 21.8014).

OMB Control Number: 2900–0579.

Type of Review: Extension of a currently approved collection.

Abstract: Vietnam veterans' children born with certain birth defects may submit a written claim to request participation in a vocational training program. In order for VA to relate the claim to other existing VA records, applicants must provide identifying information about themselves and the natural parent who served in Vietnam. The information collected will allow VA counselors to review existing records and to schedule an appointment with the applicant to evaluate the claim.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on July 10, 2008, at pages 39785–39786.

Affected Public: Individuals or households.

Estimated Annual Burden: 15 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 60.

Dated: September 4, 2008.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–21045 Filed 9–10–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (21–0773)]

Agency Information Collection (Operation Enduring Freedom/ Operation Iraqi Freedom Seriously Injured/Ill Service Member Veteran Worksheet) Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATE: Comments must be submitted on or before October 14, 2008.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–New (21–0773)'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, FAX (202) 273–0443 or e-mail *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900–New (21–0773).''

SUPPLEMENTARY INFORMATION:

Title: Operation Enduring Freedom/ Operation Iraqi Freedom Seriously Injured/Ill Service Member Veteran Worksheet, VA Form 21–0773.

OMB Control Number: 2900–New (21–0773).

Type of Review: New collection.

Abstract: Veterans Service Representatives used VA Form 21–0773 as a checklist to ensure that they provided Operation Enduring Freedom or Operation Iraqi Freedom service members with at least six months remaining on active duty and who may have suffered a serious injury or illness, with information, forms, and/or referral service regarding VA benefits.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on June 30, 2008, at pages 36960–36961.

Affected Public: Individuals or households.

Estimated Annual Burden: 77 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 153.

Dated: September 4, 2008.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–21047 Filed 9–10–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (10–21089)]

Proposed Information Collection (Survey of Post-Deployment Adjustment Among OEF and OIF Veterans); Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to identify gender-specific treatment needs of returning Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) veterans.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 10, 2008.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov;* or to Mary Stout, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420; or e-mail: *mary.stout@va.gov.* Please refer to ''OMB Control No. 2900–New (10–21089)'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mary Stout (202) 461–5867 or FAX (202) 273–9381.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Survey of Post-Deployment Adjustment Among OEF and OIF Veterans, VA Form 10–21089.

OMB Control Number: 2900–New (10–21089).

Type of Review: New collection.

Abstract: The data collected on VA Form 10–21089 will be used to access health conditions, occupational, family and social adjustment and functioning of veterans who were deployed to Afghanistan and/or Iraq. The goal is to identify the gender-specific treatment needs of OEF and OIF veterans with an emphasis on the needs of female veterans who experienced war zone stressors beyond traditional combat and sexual trauma during deployment. VA will use the data to identify how homecoming experiences (healthcare, relationship and parenting readjustment) differently affect male and female veterans.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,333 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 4,000.

Dated: September 4, 2008.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–21048 Filed 9–10–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (10–21091)]

Proposed Information Collection (Operation Enduring Freedom/ Operation Iraqi Freedom Veterans Health Needs Assessment) Activity; Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information to develop a program that will improve the quality and relevance of care, as it pertains to access for mental health and use of mental health facilities for returning Operation Enduring Freedom/ Operation Iraqi Freedom veterans and their families.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 10, 2008.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov;* or to Mary Stout, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *mary.stout@va.gov.* Please refer to ''OMB Control No. 2900–New (10–21091)'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mary Stout (202) 461–5867 or FAX (202) 273–9381.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Operation Enduring Freedom/ Operation Iraqi Freedom Veterans Health Needs Assessment, VA Form 10–21091.

OMB Control Number: 2900–New (10–21091).

Type of Review: New collection.

Abstract: VA Form 10–21091 will be used to gather input from returning war zone veterans to identify their needs, concerns and health care preferences. VA will use the data collected to improve the quality and relevance of care offered as well as access to care through the removal of identified barriers to care and to develop care pathways as indicated by veterans' responses to the survey.

Affected Public: Individuals and households.

Estimated Annual Burden: 1,000 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 3,000.

Dated: September 4, 2008.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–21049 Filed 9–10–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Blue Ribbon Panel on VA-Medical School Affiliations; Notice of Renewal

In compliance with the Federal Advisory Committee Act (Pub. L. 92–463), the Department of Veterans Affairs (VA) gives notice that the Blue Ribbon Panel on VA-Medical School Affiliations has been renewed through September 30, 2009.

The Panel advises the Secretary of Veterans Affairs and the Under Secretary for Health on the framework for guiding VA's affiliations with medical schools and academic medical centers.

Dated: August 29, 2008.

By direction of the Secretary.

E. Philip Riggin,

Committee Management Officer.

[FR Doc. E8–21050 Filed 9–10–08; 8:45 am]

BILLING CODE 8320–01–P

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LIST OF PUBLIC LAWS

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The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

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