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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.

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Washington, DC 20002

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Contents

Federal Register

Vol. 74, No. 5

Thursday, January 8, 2009

Agriculture Department
See Forest Service
See Rural Business-Cooperative Service
NOTICES
Meetings:
Dietary Guidelines Advisory Committee; Invitation for Oral Testimony, and Solicitation of Written Comments, 793–794

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 810–812
Meetings:
Advisory Council for the Elimination of Tuberculosis, 812–813
Board of Scientific Counselors, National Center for Injury Prevention and Control, 813
Subcommittee for Dose Reconstruction Reviews, Advisory Board on Radiation and Worker Health, National Institute for Occupational Safety and Health, 813–814

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 814–816

Civil Rights Commission
NOTICES
Meetings; Sunshine Act, 795

Commerce Department
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 795–796

Defense Department
NOTICES
Revised Non–Foreign Overseas Per Diem Rates, 802–807

Defense
See Defense Department

Education Department
NOTICES
Advanced Placement (AP) Test Fee Program, 807
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 807–808

Environmental Protection Agency
NOTICES
Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities, 808–810

Executive Office for Immigration Review
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 834

Federal Aviation Administration
RULES
Establishment of Class E Airspace:
Branson, MO, 769–770
NOTICES
Amendment to Order:
Operating Limitations at New York Laguardia Airport, 845–847
Intent to Rule on Requests to Release Airport Property:
Monroe Regional Airport, Monroe, LA, 847

Federal Communications Commission
NOTICES
Petition for Reconsideration of Action in Rulemaking Proceeding, 810

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 810

Federal Emergency Management Agency
RULES
Changes in Flood Elevation Determinations, 775–778
Final Flood Elevation Determinations, 778–788
Suspension of Community Eligibility, 773–775
PROPOSED RULES
Proposed Flood Elevation Determinations, 789–792
NOTICES
Emergency and Related Determinations:
New York, 826–827
Major Disaster Declaration:
Missouri, 827
Meetings:
Federal Radiological Preparedness Coordinating Committee, 827–828
National Fire Academy Board of Visitors, 828

Federal Reserve System
NOTICES
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 810

Food and Drug Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 816–819

Forest Service
NOTICES
Meetings:
Tehama County Resource Advisory Committee, 794

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See Indian Health Service

See National Institutes of Health
NOTICES
Meetings:
Dietary Guidelines Advisory Committee; Invitation for Oral Testimony, and Solicitation of Written Comments, 793–794

Homeland Security Department
See Federal Emergency Management Agency
NOTICES
Meetings:
Homeland Security Advisory Council, 826

Indian Health Service
NOTICES
Office of Tribal Program; Funding Announcement, 819–825

Industry and Security Bureau
RULES
Burma:
Revision of Restrictions on Exports, Reexports and Transfers to Persons Whose Property and Interests in Property Are Blocked Pursuant to Executive Orders, 770–772

Interior Department
See Land Management Bureau
See National Park Service
See Reclamation Bureau

Internal Revenue Service
PROPOSED RULES
Withholding Under Internal Revenue Code Section 3402(t); Correction, 789

International Trade Administration
NOTICES
Antidumping:
Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom, 796
Honey from the People's Repubic of China, 796–797
Persulfates from the People's Republic of China, 798

International Trade Commission
NOTICES
Investigations:
Certain Noise Cancelling Headphones, 831–832
Uncovered Innerspring Units from China, 832

Justice Department
See Executive Office for Immigration Review
NOTICES
Consent Decree:
Lorain County Metropolitan Park District, et al., 832–833
Consent Decrees:
United States v. Citygas Gasoline Corp., et al., 833
United States v. Estate of Joseph Vazzana, Sr., et. al., 833–834

Land Management Bureau
NOTICES
Availability of Record of Decision:
Pinedale Resource Management Plan/Environmental Impact Statement, 828–829
Availability of the Records of Decision:
Resource Management Plans of the Western Oregon Bureau of Land Management Salem, Eugene, Roseburg, Coos Bay, et al., 829–830
Public Land Order:
Revocation of Oil Shale Withdrawal; Utah, 830
Revocation of Oil Shale Withdrawals; Wyoming, 830–831
Realty Action:
Competitive Sale of Public Lands in San Bernardino County, CA; Correction, 831

National Institutes of Health
NOTICES
Meetings:
National Institute of Environmental Health Sciences, 825–826

National Oceanic and Atmospheric Administration
NOTICES
Fisheries of the Exclusive Economic Zone Off Alaska:
Groundfish Fisheries in the Bering Sea and Aleutian Islands, 798–800
Marine Mammals:
Issuance of Permit Amendment, 800

National Park Service
NOTICES
Plan of Operations for Cable-Only Delilah 3–D Seismic Survey, Big Thicket National Preserve, TX, 831

Nuclear Regulatory Commission
NOTICES
Environmental Impact Statements; Availability, etc.:
Becton Dickinson Caribe Ltd. Facility; Cayey, PR; License Amendment, 834–836
Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information:
Detroit Edison Co.; Hearing and Opportunity to Petion for Leave to Intervene, 836–840

Patent and Trademark Office
NOTICES
National Medal of Technology and Innovation Nomination Evaluation Committee; Request for Nominations, 800–801
National Medal of Technology and Innovation; Call for 2009 Nominations, 801–802

Pension Benefit Guaranty Corporation
RULES
Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits; Correction, 772–773

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Indian Health Service
See National Institutes of Health

Reclamation Bureau
NOTICES
Meetings:
Yakima River Basin Conservation Advisory Group, Yakima River Basin Water Enhancement Project, Yakima, WA, 831

Rural Business-Cooperative Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 794–795

Securities and Exchange Commission
See Securities and Exchange Commission

NOTICES
Self-Regulatory Organizations; Proposed Rule Changes:
Financial Industry Regulatory Authority, Inc., 840–844

Social Security Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 844–845

State Department
NOTICES
Certification Related to Libya Under Section 654(b) of the State, Foreign Operations, and Related Programs Appropriations Act (2008), 845

Surface Transportation Board
NOTICES
Abandonment Exemption:
Bellingham International Railroad, LLC; Whatcom County, WA, 847–848
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 848–850
Construction and Operation Exemption:
R.J. Corman Railroad Co./Pennsylvania Lines Inc.; Clearfield County, PA, 850–853
Temporary Trackage Rights Exemptions:
Union Pacific Railroad Co.; BNSF Railway Co., 853

Transportation Department
See Federal Aviation Administration
See Surface Transportation Board

Treasury Department
See Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 853–854

United States Institute of Peace
NOTICES
Meetings, 854

Reader Aids

Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

14 CFR
71 769

15 CFR
744 770

26 CFR

Proposed Rules:
31 789

29 CFR
4044 772

44 CFR
64 773
65 775
67 778

Proposed Rules:
67 789

Rules and Regulations

Federal Register
Vol. 74, No. 5
Thursday, January 8, 2009

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0873; Airspace Docket No. 08–AGL–7]

Establishment of Class E Airspace; Branson, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Branson Airport, Branson, MO. Establishment of an air traffic control tower and Standard Instrument Approach Procedures (SIAPs) have made this action necessary for the safety of Instrument Flight Rule (IFR) operations at the airport. Also, this action corrects the name to Branson Airport, and makes a correction to the geographic coordinates for Branson Airport.

DATES: *Effective Date:* 0901 UTC, March 12, 2009. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Ft. Worth, TX 76193–0530; telephone (817) 222–5582.

SUPPLEMENTARY INFORMATION:

History

On October 22, 2008, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish Class E airspace at Branson, MO (73 FR 62940, Docket No. FAA–2008–0873). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. With the exception of editorial changes, and the changes described above, this rule is the same as that proposed in the NPRM. Class E airspace designations are published in paragraphs 6002 and 6005 of FAA Order 7400.9S signed October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in that Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace at Branson Airport, Branson, MO. Controlled airspace is necessary to accommodate a new air traffic control tower and SIAPs for IFR operations at this new airport.

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. Therefore, this regulation: (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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, SECTION 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at Branson Airport, Branson, MO.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR part 71.1 of the Federal Aviation Administration Order 7400.9S, Airspace Designations and Reporting Points, signed October 3, 2008, and effective October 31, 2008, is amended as follows:

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ACE MO E2 Branson, MO [New]

Branson Airport, MO
(lat. 36°31′55″ N., long. 93°12′02″ W.)

Within a 4.1-mile radius of Branson Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

ACE MO E5 Branson, MO [New]

Branson Airport, MO
(Lat. 36°31′55″ N., long. 93°12′02″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Branson Airport.

* * * * *

Issued in Fort Worth, TX, on December 19, 2008.

Donald R. Smith,

Manager, Operations Support Group, Central Service Center.

[FR Doc. E8–31441 Filed 1–7–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 080717847–81643–01]

RIN 0694–AE35

Burma: Revision of Restrictions on Exports, Reexports and Transfers to Persons Whose Property and Interests in Property Are Blocked Pursuant to Executive Orders

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: In response to the Government of Burma's continued repression of the democratic opposition in Burma, and consistent with Executive Order 13047 of May 20, 1997, Executive Order 13310 of July 28, 2003, Executive Order 13448 of October 18, 2007, and the Trade Sanctions Reform and Export Enhancement Act (Title IX of Pub. L. 106–387), the Bureau of Industry and Security (BIS) previously amended the Export Administration Regulations (EAR) on October 24, 2007 to impose a license requirement for most exports, reexports, or transfers of items subject to the EAR to persons whose property and interests in property are blocked pursuant to those Executive Orders. In light of the Government of Burma's continued repression of the democratic opposition in Burma and unwillingness to respond to the calls of the Burmese people for genuine dialogue that will lead to a democratic transition in Burma, this final rule amends the EAR to extend these existing licensing requirements to persons whose property and interests in property are blocked pursuant to Executive Order 13464 of April 30, 2008.

DATES: *Effective Date:* This rule is effective January 8, 2009. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

ADDRESSES: You may submit comments, identified by RIN 0694–AE35 (Burma II), by any of the following methods:

E-mail: publiccomments@bis.doc.gov. Include ''RIN 0694–AE 35 (Burma II)'' in the subject line of the message.

Fax: (202) 482–3355. Please alert the Regulatory Policy Division, by calling (202) 482–2440, if you are faxing comments.

Mail or Hand Delivery/Courier: Sheila Quarterman, U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th St. & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230, Attn: RIN 0694–AE35 (Burma II).

Send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), by e-mail to *jseehra@omb.eop.gov*, or by fax to (202) 395–7285; and to the U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th St. & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230. Comments on this collection of information should be submitted separately from comments on the final rule (*i.e.* RIN 0694–AE35 (Burma II))—all comments on the latter should be submitted by one of the three methods outlined above.

FOR FURTHER INFORMATION CONTACT: Susan Kramer, Foreign Policy Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Department of Commerce, 14th St. & Pennsylvania Avenue, NW., Room 2705,Washington, DC 20230; Telephone: (202) 482–4252, or E-mail: *skramer@bis.doc.gov*.

SUPPLEMENTARY INFORMATION:

Background

In response to the Government of Burma's repression of the democratic opposition in Burma, the President has issued a series of Executive Orders imposing economic sanctions on the Burmese regime. In 1997, pursuant to Executive Order 13047 (May 20, 1997) and other relevant authorities, the U.S. imposed a ban on new investments in Burma by U.S. persons. In 2003, pursuant to Executive Order 13310 (July 28, 2003) and other relevant authorities, the U.S. imposed additional economic sanctions, including a ban on all imports from Burma, a ban on the export of financial services by U.S. persons to Burma, and the freezing of assets of designated Burmese persons listed in the Annex or subsequently designated according to the criteria of the Executive Order. The sanctions are primarily administered by the Department of the Treasury's Office of Foreign Assets Control (OFAC).

In 2007, the President further expanded the sanctions by issuing Executive Order 13448 (October 18, 2007), which listed certain additional persons in its Annex and set forth additional criteria for blocking the property and interests in property of additional persons. Consistent with Executive Orders 13310 and 13448, and the Trade Sanctions Reform and Export Enhancement Act (Title IX of Pub. L. 106–387), BIS issued a final rule, published in the **Federal Register** on October 24, 2007 (72 FR 60248, October 24, 2007), amending the EAR to impose a license requirement for exports, reexports or transfers of items subject to the EAR, except agricultural commodities, medicine, or medical devices classified as EAR99, to persons listed in or designated pursuant to Executive Orders 13310 or 13448. The 2007 BIS rule created section 744.22 of the EAR to set forth this licensing requirement.

Further, in part 740 of the EAR (License Exceptions), that rule moved Burma from Computer Tier 1 to Computer Tier 3, restricting access to high-performance computers and certain related technology and software under License Exception APP (Section 740.7). In Supplement No. 1 to part 740 (Country Groups), that rule moved Burma from Country Group B (countries raising few national security concerns) to Country Group D:1 (countries raising national security concerns), which further limits the number of license exceptions available for exports to Burma. Burma remained in Country Group D:3 (countries raising proliferation concerns related to chemical and biological weapons).

In this final rule, BIS further amends the EAR to expand the existing licensing requirements in section 744.22 of the EAR to include persons whose property and interests in property are blocked pursuant to Executive Order 13464 of April 30, 2008 (73 FR 24489, May 2, 2008). The Annex to Executive Order 13464 designates certain persons subject to this prohibition, and provides criteria for additional designations. Additional designations were announced by the Department of the Treasury on July 29, 2008 (73 FR 45270 and 73 FR 45271, both of August 4, 2008). As set forth in section 744.22 of the EAR, exports, reexports or transfers of items subject to the EAR, except agricultural commodities, medicine, or medical devices classified as EAR99, to any person whose property and interests in property are blocked pursuant to Executive Orders 13310, 13448 or 13464, require a license under the EAR.

The licensing requirements set forth in section 744.22 of the EAR are applicable to all persons whose property

and interests in property are blocked pursuant to Executive Orders 13310, 13448, or 13464. This includes persons listed in or designated pursuant to Executive Orders 13310, 13448, or 13464. Such persons are identified with the reference [BURMA] on OFAC's list of Specially Designated Nationals and Blocked Persons set forth in Appendix A to 31 CFR Chapter V and on OFAC's Web site at *http://www.treas.gov/OFAC*. Consistent with guidance issued by OFAC on February 14, 2008, a person whose property and interests in property are blocked pursuant to an Executive order or regulations administered by OFAC is considered to have an interest in all property and interests in property of an entity in which it owns, directly or indirectly, a 50% or greater interest. The property and interests in property of such an entity are blocked, and licensing requirements in section 744.22 of the EAR apply to the entity, regardless of whether the entity itself is listed in the annex to an Executive order or otherwise designated pursuant to such order. The OFAC guidance on this topic is available at *http://www.treas.gov/offices/enforcement/ofac/programs/common/licensing_guidance.pdf*. Exporters should contact OFAC directly if you have questions about how to determine interest in property for purposes of complying with this final rule.

As was previously the case, in order to avoid duplication, U.S. persons are not required to seek separate BIS authorization for an export, reexport, or transfer to a person identified in section 744.22 of any item subject to both the EAR and regulations maintained by OFAC. Therefore, if OFAC authorizes an export from the United States or an export, reexport, or transfer by a U.S. person to a person identified in section 744.22, no separate authorization from BIS is necessary.

Consistent with the provisions of section 6 of the Export Administration Act of 1979, as amended (EAA), a foreign policy report was submitted to Congress on January 2, 2009, notifying Congress of the imposition of foreign policy-based licensing requirements reflected in this rule.

Although the EAA expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), which has been extended by successive Presidential Notices, the most recent being that of July 23, 2008 (73 FR 43603 (July 23, 2008)), has continued the EAR in effect under the International Emergency Economic Powers Act.

Saving Clause

Shipments of items removed from eligibility for export or reexport under a license exception or without a license (*i.e.*, under the designator ''NLR'') as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on February 9, 2009, pursuant to actual orders for export or reexport to a foreign destination, may proceed to that destination under the previously applicable license exception or without a license (NLR) so long as they are exported or reexported before February 23, 2009. Any such items not actually exported or reexported before midnight, on February 23, 2009, require a license in accordance with this regulation.

Rulemaking Requirements

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

2. Notwithstanding any other provision of 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 of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule involves a collection of information subject to the PRA. The collection has been approved by OMB under control number 0694–0088, ''Multi-Purpose Application,'' and carries a burden hour estimate of 58 minutes for a manual or electronic submission. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), and to the Regulatory Policy Division, Bureau of Industry and Security as indicated in the **ADDRESSES** section of this rule.

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

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)). Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Sheila Quarterman, Regulatory Policy Division, Office of Exporter Services, Bureau of Industry and Security, Department of Commerce, 14th St. & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230.

List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

■ Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 744—[AMENDED]

■ 1. The authority citation for part 744 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of July 23, 2008, 73 FR 43603 (July 25, 2008); Notice of November 10, 2008, 73 FR 67097 (November 12, 2008).

■ 2. Section 744.22 is revised to read as follows:

§ 744.22 Restrictions on Exports, Reexports and Transfers to Persons Whose Property and Interests In Property Are Blocked Pursuant to Executive Orders 13310, 13448 or 13464.

Consistent with Executive Order 13310 of July 28, 2003, Executive Order 13448 of October 18, 2007 and Executive Order 13464 of April 30, 2008, BIS maintains restrictions on exports, reexports, and transfers to persons whose property and interests in property are blocked pursuant to Executive Orders 13310, 13448 or 13464. These persons include individuals and entities listed in the Annexes to Executive Orders 13310, 13448 and 13464, as well as other persons whose property and interests in property are blocked pursuant to those orders.

(a) *License Requirements.* (1) A license requirement applies to the export, reexport, or transfer of any item

subject to the EAR (except for agricultural commodities, medicine, or medical devices, classified as EAR99 and destined for entities whose property and interests in property are blocked pursuant to Executive Orders 13310, 13448 or 13464) to—

(i) Persons listed in the Annexes to Executive Order 13310 of July 28, 2003, Executive Order 13448 of October 18, 2007 or Executive Order 13464 of April 30, 2008; or

(ii) Persons designated pursuant to Executive Order 13310, Executive Order 13448 or Executive Order 13464.

Note to paragraph (a)(1): All persons listed in or designated pursuant to Executive Orders 13310, 13448, or 13464 are identified with the reference [BURMA] on OFAC's list of Specially Designated Nationals and Blocked Persons set forth in Appendix A to 31 CFR Chapter V and on OFAC's Web site at *http://www.treas.gov/OFAC.* Consistent with guidance issued by OFAC on February 14, 2008, a person whose property and interests in property are blocked pursuant to an Executive Order or regulations administered by OFAC is considered to have an interest in all property and interests in property of an entity in which it owns, directly or indirectly, a 50% or greater interest. The property and interests in property of such an entity are blocked, regardless of whether the entity itself is listed in the annex to an Executive order or otherwise designated pursuant to such order. The OFAC guidance on this topic is available at *http://www.treas.gov/offices/enforcement/ofac/programs/common/licensing_guidance.pdf.*

(2) To avoid duplication, U.S. persons are not required to seek separate BIS authorization for an export, reexport, or transfer to a person identified in paragraph (a) of this section of any item subject to both the EAR and regulations maintained by OFAC. Therefore, if OFAC authorizes an export from the United States or an export, reexport, or transfer by a U.S. person to a person identified in paragraph (a) of this section, no separate authorization from BIS is necessary.

(3) U.S. persons must seek authorization from BIS for the export, reexport, or transfer to a person identified in paragraph (a) of this section of any item subject to the EAR (except for agricultural commodities, medicine, or medical devices, classified as EAR99 and destined for entities whose property and interests in property are blocked pursuant to Executive Orders 13310, 13448 or 13464) but not subject to regulations maintained by OFAC.

(4) Non-U.S. persons must seek authorization from BIS for the export from abroad, reexport, or transfer to a person identified in paragraph (a) of this section of any item subject to the EAR (except for agricultural commodities, medicine, or medical devices, classified as EAR99 and destined for entities whose property and interests in property are blocked pursuant to Executive Orders 13310, 13448 or 13464).

(5) Any export, reexport, or transfer to a person identified in paragraph (a) of this section by a U.S. person of any item subject both to the EAR and regulations maintained by OFAC and not authorized by OFAC is a violation of the EAR.

(6) Any export, reexport, or transfer by a U.S. person to a person identified in paragraph (a) of this section of any item subject to the EAR (except for agricultural commodities, medicine, or medical devices, classified as EAR99 and destined for entities whose property and interests in property are blocked pursuant to Executive Orders 13310, 13448 or 13464) that is not subject to regulations maintained by OFAC and not authorized by BIS is a violation of the EAR. Any export from abroad, reexport, or transfer by a non-U.S. person to a person identified in paragraph (a) of this section of any item subject to the EAR (except for agricultural commodities, medicine, or medical devices, classified as EAR99 and destined for entities whose property and interests in property are blocked pursuant to Executive Orders 13310, 13448 or 13464) and not authorized by BIS is a violation of the EAR.

(7) These licensing requirements supplement any other requirements set forth elsewhere in the EAR.

(b) *Exceptions.* No License Exceptions or other BIS authorizations are available for export, reexport, or transfer to a person identified in paragraph (a) of this section of any item subject to the EAR (except for agricultural commodities, medicine, or medical devices, classified as EAR99 and destined for entities whose property and interests in property are blocked pursuant to Executive Orders 13310, 13448 or 13464).

(c) *Licensing policy.* Applications for licenses for the export, reexport, or transfer to a person identified in paragraph (a) of this section of any item subject to the EAR (except for agricultural commodities, medicine, or medical devices, classified as EAR99 and destined for entities whose property and interests in property are blocked pursuant to Executive Orders 13310, 13448 or 13464) will generally be denied. You should consult with OFAC concerning transactions subject to OFAC licensing requirements.

(d) *Contract sanctity.* Contract sanctity provisions are not available for license applications reviewed under this section, except as available under 31 CFR 537.210(c).

Dated: January 2, 2009.

Christopher R. Wall,

Assistant Secretary for Export Administration.

[FR Doc. E9–127 Filed 1–7–09; 8:45 am]

BILLING CODE 3510–33–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits; Correction

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Correcting amendment.

SUMMARY: The Pension Benefit Guaranty Corporation published in the **Federal Register** of December 29, 2008, a final rule amending its regulation on Allocation of Assets in Single-Employer Plans to adopt interest assumptions for plans with valuation dates in the first quarter of 2009. This document corrects inadvertent errors in that final rule.

DATES: Effective January 8, 2009.

Applicability date: January 1, 2009.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion, Attorney, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation published a document in the December 29, 2008, **Federal Register** (73 FR 79362), amending its regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) to adopt interest assumptions for plans with valuation dates in the first quarter of 2009. This document corrects inadvertent errors in the January, February, and March 2009 entries to Appendix B to part 4044. (There were no corresponding errors in the preamble to the document.)

List of Subjects in 29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

■ Accordingly 29 CFR part 4044 is corrected by making the following correcting amendments:

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 2. In appendix B to part 4044, correct the entries for January, February, and March 2009, as set forth below, to read as follows:

Appendix B to Part 4044—Interest Rates Used to Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * * *	*		*		*	
January 2009	0.0602	1–20	0.0548	>20	N/A	N/A
February 2009	0.0602	1–20	0.0548	>20	N/A	N/A
March 2009	0.0602	1–20	0.0548	>20	N/A	N/A

Issued in Washington, DC, on this 5th day of January 2009.

Vincent K. Snowbarger,

Deputy Director for Operations, Pension Benefit Guaranty Corporation.

[FR Doc. E9–141 Filed 1–7–09; 8:45 am]

BILLING CODE 7709–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–8057]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.;* unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective

date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

*Executive Order 13132, Federalism.*This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region IV				
North Carolina:				
Bethania, Town of, Forsyth County	370477	—, Emerg; April 24, 2002, Reg; January 2, 2009, Susp.	Jan. 2, 2009	Jan. 2, 2009.
Clemmons, Village of, Forsyth County	370531	—, Emerg; June 27, 2000, Reg; January 2, 2009, Susp.	do	Do.
Forsyth County, Unincorporated Areas	375349	March 19, 1971, Emerg; September 1, 1972, Reg; January 2, 2009, Susp.	do	Do.
Kernersville, Town of, Forsyth County	370319	—, Emerg; June 27, 2000, Reg; January 2, 2009, Susp.	do	Do.
Rural Hall, Town of, Forsyth County	370606	—, Emerg; April 25, 2002, Reg; January 2, 2009, Susp.	do	Do.
Tobaccoville, Village of, Forsyth County	370624	—, Emerg; August 13, 2002, Reg; January 2, 2009, Susp.	do	Do.
Walkertown, Town of, Forsyth County	370679	—, Emerg; September 24, 2002, Reg; January 2, 2009, Susp.	do	Do.
Winston-Salem, City of, Forsyth County	375360	March 19, 1971, Emerg; August 31, 1973, Reg; January 2, 2009, Susp.	do	Do.
Tennessee:				
Lawrence County, Unincorporated Areas.	470354	—, Emerg; December 10, 1998, Reg; January 2, 2009, Susp.	do	Do.
Lawrenceburg, City of, Lawrence County.	475437	January 7, 1972, Emerg; May 25, 1973, Reg; January 2, 2009, Susp.	do	Do.
Region V				
Illinois:				
Cortland, Town of, DeKalb County	170181	April 5, 1979, Emerg; November 30, 1979, Reg; January 2, 2009, Susp.	do	Do.
DeKalb, City of, DeKalb County	170182	February 25, 1972, Emerg; September 29, 1978, Reg; January 2, 2009, Susp.	do	Do.
DeKalb County, Unincorporated Areas	170808	May 14, 1974, Emerg; September 4, 1985, Reg; January 2, 2009, Susp.	do	Do.
Genoa, City of, DeKalb County	170183	October 31, 1975, Emerg; May 25, 1984, Reg; January 2, 2009, Susp.	do	Do.
Hinckley, Village of, DeKalb County	170184	July 26, 1988, Emerg; September 21, 2000, Reg; January 2, 2009, Susp.	do	Do.
Sandwich, City of, DeKalb County	170188	May 13, 1975, Emerg; February 27, 1984, Reg; January 2, 2009, Susp.	do	Do.
Shabbona, Village of, DeKalb County	170189	June 17, 1975, Emerg; September 1, 1986, Reg; January 2, 2009, Susp.	do	Do.
Wisconsin:				
Belleville, Village of, Dane County	550159	July 15, 1975, Emerg; November 19, 1980, Reg; January 2, 2009, Susp.	do	Do.
Black Earth, Village of, Dane County	550079	August 7, 1975, Emerg; January 2, 1981, Reg; January 2, 2009, Susp.	do	Do.
Cottage Grove, Village of, Dane County	550617	July 11, 2000, Emerg; June 17, 2003, Reg; January 2, 2009, Susp.	do	Do.
DeForest, Village of, Dane County	550082	April 16, 1975, Emerg; September 1, 1978, Reg; January 2, 2009, Susp.	do	Do.
Fitchburg, City of, Dane County	550610	—, Emerg; August 23, 2001, Reg; January 2, 2009, Susp.	do	Do.
Madison, City of, Dane County	550083	July 17, 1975, Emerg; September 30, 1980, Reg; January 2, 2009, Susp.	do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Marshall, Village of, Dane County	550084	July 15, 1975, Emerg; December 16, 1980, Reg; January 2, 2009, Susp.	.....do	Do.
Mazomanie, Village of, Dane County	550085	July 29, 1975, Emerg; December 1, 1981, Reg; January 2, 2009, Susp.	.....do	Do.
McFarland, Village of, Dane County	550086	April 17, 1975, Emerg; June 15, 1978, Reg; January 2, 2009, Susp.	.....do	Do.
Monona, City of, Dane County	550088	March 25, 1975, Emerg; June 15, 1978, Reg; January 2, 2009, Susp.	.....do	Do.
Oregon, Village of, Dane County	550089	May 28, 1974, Emerg; September 30, 1980, Reg; January 2, 2009, Susp.	.....do	Do.
Stoughton, City of, Dane County	550091	April 15, 1975, Emerg; June 15, 1978, Reg; January 2, 2009, Susp.	.....do	Do.
Sun Prairie, City of, Dane County	550573	—, Emerg; December 11, 1995, Reg; January 2, 2009, Susp.	.....do	Do.
Verona, City of, Dane County	550092	June 24, 1975, Emerg; August 1, 1980, Reg; January 2, 2009, Susp.	.....do	Do.
Waunakee, Village of, Dane County	550093	May 29, 1975, Emerg; May 1, 1978, Reg; January 2, 2009, Susp.	.....do	Do.
Region VII				
Kansas:				
Redfield, City of, Bourbon County	200025	June 4, 1976, Emerg; August 1, 1986, Reg; January 2, 2009, Susp.	.....do	Do.
Nebraska:				
Brady, Village of, Lincoln County	310141	September 15, 1975, Emerg; June 3, 1986, Reg; January 2, 2009, Susp.	.....do	Do.
Lincoln County, Unincorporated Areas	310452	February 28, 1983, Emerg; August 1, 1987, Reg; January 2, 2009, Susp.	.....do	Do.
Maxwell, Village of, Lincoln County	310300	August 26, 1977, Emerg; September 27, 1985, Reg; January 2, 2009, Susp.	.....do	Do.
North Platte, City of, Lincoln County	310143	January 14, 1974, Emerg; November 1, 1979, Reg; January 2, 2009, Susp.	.....do	Do.
Sutherland, Village of, Lincoln County	310144	February 5, 1975, Emerg; September 27, 1985, Reg; January 2, 2009, Susp.	.....do	Do.

* do = Ditto.
Code for reading third column: Emerg—Emergency; Reg—Regular; Susp—Suspension.

Dated: December 24, 2008.

Michael K. Buckley,

Acting Assistant Administrator, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E9–75 Filed 1–7–09; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–B–1027]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Mitigation Assistant Administrator of FEMA reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151.

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being

already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by the other Federal, State, or regional entities. The changes to BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This interim rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

Executive Order 12988, Civil Justice Reform. This interim rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
California:					
Humboldt	City of Eureka (08–09–0189P), (08–09–0941P).	April 10, 2008; April 18, 2008; *The Eureka Reporter*.	The Honorable Nancy Flemming, Mayor, City of Eureka, 531 K Street, Eureka, CA 95501.	August 18, 2008	060062
Santa Barbara	Unincorporated areas of Santa Barbara County (08–09–0425P).	October 24, 2008; October 31, 2008; *Santa Barbara News Press*.	The Honorable Salud Carbajal, Chairman, Santa Barbara County Board of Supervisors, 105 East Anapamu Street, Santa Barbara, CA 93101.	March 2, 2009	060331
San Bernardino	City of San Bernardino (07–09–1656P).	February 14, 2008; February 21, 2008; *San Bernardino County Sun*.	The Honorable Patrick J. Morris, Mayor, City of San Bernardino, 300 North "D" Street, San Bernardino, CA 92418.	January 31, 2008	060281
Colorado:					
Arapahoe	City of Littleton (08–08–0251P).	November 13, 2008; November 20, 2008; *Littleton Independent*.	The Honorable Doug Clark, Mayor, City of Littleton, 2255 West Berry Avenue, Littleton, CO 80165.	March 20, 2009	080017
Douglas	Unincorporated areas of Douglas County (07–08–0862P).	February 14, 2008; February 21, 2008; *Douglas County News Press*.	The Honorable Steven A. Boand, Chairman, Douglas County Board of Commissioners, 100 Third Street, Castle Rock, CO 80104.	May 22, 2008	080049
El Paso	Unincorporated areas of El Paso County (08–08–0381P).	November 26, 2008; December 3, 2008; *Tri Lakes Tribune*.	The Honorable Dennis Hisey, Chairman, El Paso County Board of Commissioners, 27 East Vermijo Avenue, Colorado Springs, CO 80903.	April 2, 2009	080059
El Paso	Town of Monument (08–08–0381P).	November 26, 2008; December 3, 2008; *Tri Lakes Tribune*.	The Honorable Catherine Green, Manager, Town of Monument, P.O. Box 325, Monument, CO 80132.	April 2, 2009	080064
Jefferson	City of Westminster (08–08–0666P).	November 13, 2008; November 20, 2008; *Westminster Window*.	The Honorable Nancy McNally, Mayor, City of Westminster, 4800 West 92nd Avenue, Westminster, CO 80031.	March 20, 2009	080008
Mesa	City of Fruita (08–08–0501P).	November 14, 2008; November 21, 2008; *The Daily Sentinel*.	The Honorable Ken Henry, Mayor, City of Fruita, 325 East Aspen Avenue, Fruita, CO 81521.	October 31, 2008	080194
Mesa	Unincorporated areas of Mesa County (08–08–0501P).	November 14, 2008; November 21, 2008; *The Daily Sentinel*.	The Honorable Craig J. Meis, Commissioner, District 1, Mesa County Board of Commissioners, P.O. Box 20000, Grand Junction, CO 81502.	October 31, 2008	080115
Florida:					
Dixie	Town of Horseshoe Beach (08–04–0954P), (08–04–2115X).	January 31, 2008; February 7, 2008; *Dixie County Advocate*.	The Honorable George T. Kight, Mayor, Town of Horseshoe Beach, P.O. Box 86, Horseshoe Beach, FL 32648.	March 19, 2008	120326
Orange	City of Orlando (08–04–3498P).	November 13, 2008; November 20, 2008; *Orlando Weekly*.	The Honorable John Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, FL 32802.	March 20, 2009	120186
Walton	Unincorporated areas of Walton County (08–04–3897P).	November 13, 2008; November 20, 2008; *The DeFuniak Springs Herald Breeze*.	The Honorable Larry Jones, Chairman, Walton County Board of Commissioners, 117 Montgomery Circle, DeFuniak Springs, FL 32435.	March 20, 2009	120317
Hawaii: Honolulu	City and County of Honolulu (08–09–0558P).	July 14, 2008; July 21, 2008; *Honolulu Star Bulletin*.	The Honorable Mufi Hannemann, Mayor, City and County of Honolulu, 530 South King Street, Room 300, Honolulu, HI 96813.	November 18, 2008	150001
Kansas:					

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Reno	City of Hutchinson (08–07–0175P).	November 12, 2008; November 19, 2008; *The Hutchinson News*.	The Honorable Trish Rose, Mayor, City of Hutchinson, P.O. Box 1567, Hutchinson, KS 67504.	October 31, 2008	200283
Reno	Unincorporated areas of Reno County (08–07–0175P).	November 12, 2008; November 19, 2008; *The Hutchinson News*.	Mr. Larry Sharp, Chair, Reno County Commission, Reno County Courthouse, 206 West First Avenue, Hutchinson, KS 67501.	October 31, 2008	200567
Sedgwick	City of Wichita (09–07–0232P).	November 24, 2008; December 1, 2008; *The Wichita Eagle*.	The Honorable Carl Brewer, Mayor, City of Wichita, 455 North Main Street, Wichita, KS 67202.	November 14, 2008	200328
Maryland: Carroll	Unincorporated areas of Carroll County (08–03–0921P).	November 12, 2008; November 19, 2008; *Carroll County Times*.	The Honorable Julia Gouge, Commissioner, Carroll County Commissioners, 225 North Center Street, Westminster, MD 21157.	March 19, 2009	240015
North Carolina:					
Wake	City of Raleigh (08–04–0177P).	November 12, 2008; November 19, 2008; *The News and Observer*.	The Honorable Charles Meeker, Mayor, City of Raleigh, P.O. Box 590, Raleigh, NC 27602.	March 19, 2009	370243
Wake	Town of Knightdale (08–04–0177P).	November 12, 2008; November 19, 2008; *Eastern Wake News*.	The Honorable Russell B. Killen, Mayor, Town of Knightdale, 1103 Belfry Drive, Knightdale, NC 27545.	March 19, 2009	370241
Wake	Unincorporated areas of Wake County (08–04–0177P).	November 12, 2008; November 19, 2008; *The News and Observer*.	Mr. David C. Cooke, Manager, Wake County, P.O. Box 550, Raleigh, NC 27602.	March 19, 2009	370368
Oklahoma: Carter	City of Ardmore (08–06–1238P).	July 17, 2008; July 24, 2008; *Daily Ardmoreite*.	The Honorable Martin Dyer, Mayor, City of Ardmore, P.O. Box 249, Ardmore, OK 73402.	November 21, 2008	400031
South Carolina:					
Beaufort	Unincorporated areas of Beaufort County (08–04–4422P).	November 21, 2008; November 28, 2008; *The Beaufort Gazette*.	The Honorable Gary T. Kubic, Beaufort County Administrator, P.O. Box 1228, Beaufort, SC 29901–1228.	March 30, 2009	450025
Jasper	Town of Hardeeville (08–04–4422P).	November 19, 2008; November 26, 2008; *Jasper County Sun*.	The Honorable Bronco Bostick, Mayor, Town of Hardeeville, 205 East Main Street, Hardeeville, SC 29927.	March 30, 2009	450113
Jasper	Unincorporated areas of Jasper County (08–04–4422P).	November 19, 2008; November 26, 2008; *Jasper County Sun*.	The Honorable George Hood, Chairman, Jasper County Council, P.O. Box 1149, Ridgeland, SC 29936.	March 30, 2009	450112
Tennessee:					
Sumner	City of Gallatin (08–04–5293P).	November 13, 2008; November 20, 2008; *The Gallatin Newspaper*.	The Honorable Jo Ann Graves, Mayor, City of Gallatin, 132 West Main Street, Gallatin, TN 37066.	March 20, 2009	470185
Williamson	City of Spring Hill (07–04–6295P).	September 2, 2008; September 9, 2008; *The Daily Herald*.	The Honorable Danny M. Laverette, Mayor, City of Spring Hill, 199 Town Center Parkway, Spring Hill, TN 37174.	August 22, 2008	470278
Texas:					
Bexar	City of San Antonio (08–06–1354P).	November 12, 2008; November 19, 2008; *San Antonio Express News*.	The Honorable Phil Hardberger, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	March 19, 2009	480045
Brazos	City of College Station (08–06–2506P).	November 14, 2008; November 21, 2008; *Bryan College Station Eagle*.	The Honorable Ben White, Mayor, City of College Station, P.O. Box 9960, College Station, TX 77842.	March 23, 2009	480083
Denton	Town of Northlake (07–06–2017P).	November 13, 2008; November 20, 2008; *Fort Worth Star Telegram* and *Denton Record Chronicle*.	The Honorable Robin Young, Mayor, Town of Northlake, 1301 FM 407, Northlake, TX 76247.	March 20, 2009	480782
Tarrant	City of Arlington (07–06–0980P).	March 6, 2008; March 13, 2008; *Star Telegram*.	The Honorable Robert Cluck, M.D., Mayor, City of Arlington, 101 West Abram Street, Arlington, TX 76004–0231.	July 11, 2008	485454
Tarrant	City of Fort Worth (07–06–2017P).	November 13, 2008; November 20, 2008; *Fort Worth Star Telegram* and *Denton Record Chronicle*.	The Honorable Mike J Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	March 20, 2009	480596
Tarrant	City of Fort Worth (07–06–0931P).	May 1, 2008; May 8, 2008; *Fort Worth Star Telegram*.	The Honorable Mike J Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	April 28, 2008	480596
Tarrant	City of Fort Worth (08–06–0062P).	August 21, 2008; August 28, 2008; *Fort Worth Star Telegram*.	The Honorable Mike J Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	December 26, 2008	480596
Tarrant	City of Fort Worth (08–06–0542P).	May 1, 2008; May 8, 2008; *Fort Worth Star Telegram*.	The Honorable Mike J Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	September 11, 2008	480596
Tarrant	City of Fort Worth (07–06–1996P), (08–06–2520P).	August 21, 2008; August 28, 2008; *Fort Worth Star Telegram*.	The Honorable Mike J Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	December 26, 2008	480596
Tarrant	City of Fort Worth (08–06–1494P).	July 24, 2008; July 31, 2008; *Fort Worth Star Telegram*.	The Honorable Mike J Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	November 21, 2008	480596

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Tarrant	Unincorporated areas of Tarrant County (08–06–0542P).	May 1, 2008; May 8, 2008; *Fort Worth Star Telegram.*	The Honorable B. Glen Whitley, Tarrant County Judge, 100 East Weatherford Street, Suite 501, Fort Worth, TX 76196.	September 11, 2008	480582
Tarrant	Unincorporated areas of Tarrant County (08–06–1494P).	July 24, 2008; July 31, 2008; *Fort Worth Star Telegram.*	The Honorable Glen Whitley, Tarrant County Judge, 100 East Weatherford, Suite 501, Fort Worth, TX 76196.	November 21, 2008	480582
Wisconsin:					
Dunn	Village of Boyceville (07–05–5620P).	November 19, 2008; November 26, 2008; *Tribune Press Reporter.*	The Honorable Gilbert Krueger, President, Village of Boyceville, 903 Main Street, Boyceville, WI 54725.	March 26, 2009	550119
Juneau	Unincorporated areas of Juneau County (08–05–2953P).	November 13, 2008; November 20, 2008; *The Messenger of Juneau County.*	The Honorable Alan Peterson, Chairman, Juneau County, N3161 Highway G, Mauston, WI 53948.	December 2, 2008	550580
Juneau	Village of Union Center (08–05–2953P).	November 13, 2008; November 20, 2008; *The Messenger of Juneau County.*	The Honorable Darold Minett, Mayor, Village of Union Center, P.O. Box 96, Union Center, WI 53962.	December 2, 2008	550207
Juneau	Village of Wonewoc (08–05–2953P).	November 13, 2008; November 20, 2008; *The Messenger of Juneau County.*	The Honorable Kevin Jennings, President, Village of Wonewoc, P.O. Box 37, Wonewoc, WI 53968.	December 2, 2008	550208

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: December 24, 2008.

Michael K. Buckley,

Acting Assistant Administrator, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E9–76 Filed 1–7–09; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2008–0020]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3151.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Assistant Administrator of the Mitigation Directorate has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

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

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Autauga County, Alabama, and Incorporated Areas FEMA Docket No.: B–7759			
Autauga Creek	365 feet southwest of the intersection of First Street and Chestnut St. (Landward of Levee along Autauga Creek).	+180	City of Prattville.
	300 feet northwest of the intersection of Lower Kingston Road and Sixth St. (Landward of Levee along Autauga Creek).	+196	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.

ADDRESSES

City of Prattville
Maps are available for inspection at 101 W. Main Street, Prattville, AL 36067.

Tulare County, California and Incorporated Areas Docket No.: FEMA–D–7644 and FEMA–B–7763			
Kaweah River	At Mill Creek/Packwood Creek Split	+363	Unincorporated Areas of Tulare County.
	At downstream side of Southern Pacific Railroad	+390	
Shallow Flooding (extensive area covering 19 map panels).	Approximately 1,000 feet southeast of intersection of State Highway 99 and Goshen Avenue.	+282	Unincorporated Areas of Tulare County, City of Farmersville, City of Visalia.
	Approximately 350 feet southwest of intersection of Lort Drive.	+391	
St. Johns River	Approximately 0.5 mile upstream of Avenue 328 Bridge	+317	Unincorporated Areas of Tulare County, City of Visalia.
	Approximately 220 feet downstream of Southern Pacific Railroad.	+378	
Sheet Flow west of Sand Creek.	Approximately 0.47 mile downstream of Avenue 440	#1	Unincorporated Areas of Tulare County.
	Approximately 0.56 mile upstream of Avenue 440	#1	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.

ADDRESSES

Unincorporated Areas of Tulare County
Maps available for inspection at Tulare County Resource Management Agency, 5961 South Mooney Boulevard, Visalia, California.

City of Farmersville
Maps available for inspection at Farmersville City Hall, 909 West Visalia Road, Farmersville, California.

City of Visalia
Maps available for inspection at Visalia City Hall East, 315 East Acequia, Visalia, California.

Washington County, Idaho, and Incorporated Areas FEMA Docket No.: B–7773			
Monroe Creek	Approximately 350 feet downstream of Union Pacific Railroad.	+2108	City of Weiser.
	Approximately 50 feet downstream of Park Street	+2125	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.

ADDRESSES

City of Weiser
Maps are available for inspection at 55 West Idaho Street, Weiser, ID 83672.

Crittenden County, Kentucky, and Incorporated Areas FEMA Docket No.: B–7783			
Ohio River	Approximately at confluence with Deer Creek (at upstream county boundary).	+355	Unincorporated Areas of Crittenden County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
	Approximately at confluence with Tradewater River (at downstream county boundary).	+362	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.

ADDRESSES

Unincorporated Areas of Crittenden County

Maps are available for inspection at 107 South Main Street, Marion, KY 42064.

Harrison County, Mississippi, and Incorporated Areas
FEMA Docket No.: B–7757

Back Bay of Biloxi/Big Lake ..	Near the intersection of Popps Ferry Road and Causeway Drive.	+15	City of D'Iberville, City of Biloxi, Unincorporated Areas of Harrison County.
	Near the intersection of Interstate 110 and Bay Shore Drive	+21	
Bay of Biloxi	Near the intersection of D'Iberville Boulevard and Lamey Bridge Road.	+16	City of Biloxi, City of D'Iberville, Unincorporated Areas of Harrison County.
	At Harrison/Jackson county boundary near U.S. Highway 90.	+23	
Bernard Bayou	Approximately 350 feet upstream of Interstate 10	+15	Unincorporated Areas of Harrison County, City of Gulfport.
	Approximately 3,000 feet upstream of Mennonite Road	+87	
Bernard Bayou Tributary 3	At the confluence with Bernard Bayou	+23	Unincorporated Areas of Harrison County.
	Approximately 5,808 feet upstream of Orange Grove Road	+44	
Bernard Bayou Tributary 4	At the confluence with Bernard Bayou Tributary 3	+24	Unincorporated Areas of Harrison County, City of Gulfport.
	Approximately 1,900 feet upstream of Lambrecht Road	+64	
Bernard Bayou Tributary 5	At the confluence with Bernard Bayou Tributary 4	+40	Unincorporated Areas of Harrison County, City of Gulfport.
	Approximately 850 ft upstream of Pheasant Drive	+65	
Bernard Bayou Tributary 6	At the confluence with Bernard Bayou	+28	Unincorporated Areas of Harrison County.
	Approximately 300 feet upstream of Orange Grove Road ...	+52	
Big Creek	Approximately 29,040 feet upstream of the confluence with Wolf River.	+55	Unincorporated Areas of Harrison County.
	Approximately 32,208 feet upstream of the confluence with Wolf River.	+58	
Biloxi River	Approximately 100 feet upstream of Lorraine Rd	+15	City of Biloxi, City of Gulfport, Unincorporated Areas of Harrison County.
	At Harrison/Stone county boundary	+104	
Brickyard Bayou	Approximately 200 feet upstream of 8th Ave	+13	City of Gulfport.
	Approximately 250 feet upstream of Stewart Avenue	+30	
Brickyard Bayou/Bernard Bayou/Turkey Creek.	Near intersection of 8th Avenue and Pass Road	+12	City of Gulfport.
	Near the intersection of Ridge Road and Taylor Road	+18	
Canal No. 1	Approximately 2,100 feet upstream of Epsy Ave	+18	City of Pass Christian, Unincorporated Areas of Harrison County.
	Approximately 2,900 feet upstream of Epsy Ave	+18	
Canal No. 3	Approximately 1,000 feet downstream of Epsy Ave	+17	Unincorporated Areas of Harrison County, City of Long Beach.
	Approximately 1,000 feet downstream of Beatline Rd	+19	
Crow Creek	Approximately 19,008 feet upstream of the confluence with Biloxi River.	+95	Unincorporated Areas of Harrison County.
	Approximately 24,816 feet upstream of the confluence with Biloxi River.	+101	
Flat Branch	At the confluence with Bernard Bayou	+15	Unincorporated Areas of Harrison County, City of Gulfport.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
	Approximately 8,976 feet upstream of the confluence with Flat Branch Tributary 2.	+66	
Flat Branch Tributary 1	Approximately 1,450 feet downstream of Hamilton Street	+22	City of Gulfport.
	Approximately 3,900 feet upstream of Robinson Road	+58	
Flat Branch Tributary 2	At the confluence with Flat Branch	+53	City of Gulfport.
	Approximately 2,450 feet upstream of the confluence with Flat Branch.	+56	
Fritz Creek	Approximately 3,400 feet upstream of Lorraine Rd	+15	City of Gulfport.
	Approximately 850 feet upstream of Three Rivers Road	+56	
Fritz Creek Tributary 1	Shallow flooding area bound by O'Neal Road to the North, Mays Road to the South, Crystal Weel Court to the West, and Three Rivers Road to the East.	#2	City of Gulfport.
	Approximately 100 feet upstream of Three Rivers Road	+52	
	Approximately 1,050 feet upstream of O'Neal Road	+60	
Fritz Creek Tributary 2	At the confluence with Fritz Creek	+39	City of Gulfport, Unincorporated Areas of Harrison County.
	Approximately 1,650 feet upstream of Three Rivers Road	+58	
Gulf of Mexico/Mississippi Sound.	Near the intersection of Main Street and Water Street	+17	City of Biloxi, City of Gulfport, City of Long Beach, City of Pass Christian, Unincorporated Areas of Harrison County.
	Near the intersection of Espy Avenue and U.S. Highway 90	+26	
Hickory Creek	Approximately 3,850 feet upstream of McHenry Road	+121	Unincorporated Areas of Harrison County.
	Approximately 7,920 feet upstream of McHenry Road	+128	
Hog Branch	Approximately 1,800 feet upstream of the confluence with Tuxachanie Creek.	+36	Unincorporated Areas of Harrison County.
	Approximately 10,032 feet upstream of South Carr Bridge Road.	+98	
Howard Creek	Approximately 2,700 feet upstream of Old Highway 67	+15	City of Biloxi.
	Approximately 3,300 feet upstream of Old Highway 67	+16	
Little Biloxi River	Approximately 150 feet downstream of McHenry Road	+120	Unincorporated Areas of Harrison County.
	Approximately 6,700 feet upstream of McHenry Road	+129	
Mill Creek	Approximately 4,900 feet upstream of State Highway 53	+104	Unincorporated Areas of Harrison County.
	Approximately 8,976 feet upstream of State Highway 53	+114	
Palmer Creek	Approximately 3,800 feet upstream of Wortham Road	+76	Unincorporated Areas of Harrison County.
	Approximately 9,200 feet upstream of Wortham Road	+87	
Parker Creek	Approximately 430 feet upstream of Woolmarket Rd	+15	City of Biloxi, Unincorporated Areas of Harrison County.
	Approximately 9,504 feet upstream of State Highway 67	+75	
Pole Branch	Approximately 270 feet downstream of Cable Bridge Road	+61	Unincorporated Areas of Harrison County.
	Approximately 3,200 feet upstream of Cable Bridge Road	+68	
Ponding Area	Ponding area bound by Irish Hill Drive to the North, West Howard Avenue to the South, Porter Avenue to the West, and Iroquois Street to the East.	+21	City of Biloxi.
Ponding Areas	Near intersection of Big Lake Road and Lejeune Drive	+25	City of Biloxi.
	Near intersection of Irish Hill Drive and Brister Place	+29	
Sandy Creek	Approximate 1,200 feet downstream of Steel Bridge Road	+72	Unincorporated Areas of Harrison County.
	Approximately 2,500 ft upstream of Steel Bridge Road	+75	
Saucier Creek	Approximately 1,200 feet upstream of State Highway 67	+92	Unincorporated Areas of Harrison County.
	Just downstream of Martha Redmond Road	+111	
Shallow Flooding	Shallow flooding bounded by West 2nd Street to the North, Scenic Drive to the South, Leovy Avenue to the West, and Paul Dunbar Avenue to the East.	#1	City of Pass Christian.
St. Louis Bay/Wolf River/ Canal No. 1/Canal No. 3.	Near the intersection of Red Creek Road and Menge Avenue.	+17	Unincorporated Areas of Harrison County, City of Pass Christian.
	At Harrison/Hancock county boundary south of Interstate 10.	+26	
Tchoutacabouffa River	Approximately 5,400 feet upstream of State Highway 15	+14	City of Biloxi, Unincorporated Areas of Harrison County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
	Approximately 5,000 feet upstream of the confluence with Railroad Creek.	+75	
Tchoutacabouffa River/Biloxi River.	Near intersection of Old Highway 67 and Woolmarket Road	+13	City of Gulfport, City of Biloxi, City of D'Iberville, Unincorporated Areas of Harrison County.
	Near the intersection of Pin Oak Drive and Oaklawn Road	+19	
Turkey Creek	Approximately 2,250 feet downstream of Airport Road	+14	City of Gulfport, Unincorporated Areas of Harrison County.
	Approximately 3,350 feet upstream of Ohio Avenue	+16	
Tuxachanie Creek	Approximately 1,050 feet downstream of Whit Plains Rd	+34	Unincorporated Areas of Harrison County.
	Approximately 21,120 feet upstream of Bethel Road	+95	
West Creek	Approximately 2,000 feet downstream of State Highway 67	+85	Unincorporated Areas of Harrison County.
	Approximately 10,032 feet upstream of State Highway 67	+95	
Wolf River	Approximately 9,700 feet upstream of Bells Ferry Road	+19	Unincorporated Areas of Harrison County.
	Approximately 1,000 feet downstream of I–10	+21	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.

ADDRESSES

City of Biloxi
Maps are available for inspection at Floodplain Management, 676 Dr. Martin Luther King Boulevard, Biloxi, MS 39533.

City of D'Iberville
Maps are available for inspection at 10383 Automall Parkway, D'Iberville, MS 39540.

City of Gulfport
Maps are available for inspection at Department of Urban Development—Building Codes Services, 2200 15th Street, Trailer B–5, Gulfport, MS 39501.

City of Long Beach
Maps are available for inspection at Building Code Office, 645 Klondike Road, Long Beach, MS 39560.

City of Pass Christian
Maps are available for inspection at Building Code Office, 203 Fleitas Avenue, Pass Christian, MS 39571.

Unincorporated Areas of Harrison County
Maps are available for inspection at County Code Office, 15309 Community Road, Gulfport, MS 39503.

Camden County, New Jersey and Incorporated Areas
Docket No.: FEMA–B–7762

Mason Run	At a point located approximately 1,700 feet upstream of the confluence with North Branch Big Timber Creek.	+20	Borough of Lindenwold, Borough of Pine Hill, Township of Gloucester.
	At a point located approximately 100 feet upstream of Blackwood-Clementon Road/County Route 534.	+35	
North Branch Big Timber Creek.	At a point approximately 400 feet upstream from the confluence of Mason Run.	+18	Borough of Clementon, Borough of Laurel Springs, Borough of Lindenwold, Borough of Stratford.
	At a point located approximately 2,240 feet upstream of East Atlantic Avenue/State Route 727.	+43	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.

ADDRESSES

Borough of Clementon
Maps are available for inspection at Clementon Borough Hall, 101 Gibbsboro Road, Clementon, New Jersey.

Borough of Laurel Springs
Maps are available for inspection at Laurel Springs Borough Hall, 135 Broadway Avenue, Laurel Springs, New Jersey.

Borough of Lindenwold
Maps are available for inspection at Lindenwold Borough Construction Office, 2001 Egg Harbor Road, Lindenwold, New Jersey.

Borough of Pine Hill
Maps are available for inspection at Pine Hill Borough Hall, 45 West 7th Avenue, Pine Hill, New Jersey.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Borough of Stratford			
Maps are available for inspection at Stratford Borough Hall, 307 Union Avenue, Stratford, New Jersey.			
Township of Gloucester			
Maps are available for inspection at Township of Gloucester Municipal Building, 1261 Chews Landing Road, Blackwood, New Jersey.			
Rowan County, North Carolina and Incorporated Areas Docket Nos.: FEMA–D–7806 and FEMA–D–7814			
Back Creek	At the confluence with North Second Creek	+672	Unincorporated Areas of Rowan County.
	At the Iredell/Rowan County boundary	+760	
Back Creek Tributary 1	At the confluence with Back Creek	+759	Unincorporated Areas of Rowan County.
	At the Iredell/Rowan County boundary	+763	
Beaverdam Creek (East)	At the confluence with North Second Creek	+655	Unincorporated Areas of Rowan County.
	Approximately 0.4 mile upstream of NC Highway 801	+718	
Beaverdam Creek (West)	At the confluence with Withrow Creek	+684	Unincorporated Areas of Rowan County, Town of Cleveland.
	Approximately 2.1 miles upstream of Umberger Road	+851	
Bell Branch	At the confluence with South Yadkin River	+697	Unincorporated Areas of Rowan County.
	Approximately 1,500 feet upstream of the confluence with South Yadkin River.	+697	
Bost Branch	At the confluence with Second Creek	+669	Town of Rockwell.
	Approximately 1,655 feet upstream of the confluence with Second Creek.	+676	
Bostian Heights Branch	Approximately 150 feet upstream of Scercy Road (State Road 1346).	+742	Unincorporated Areas of Rowan County.
	Approximately 225 feet upstream of Daugherty Road (State Road 1243).	+763	
Cedar Creek	At the confluence with Yadkin River	+578	Unincorporated Areas of Rowan County.
	Approximately 0.4 mile upstream of River Road (State Road 2152).	+578	
Church Creek	At the confluence with Crane Creek/High Rock Lake	+626	Unincorporated Areas of Rowan County, Town of Granite Quarry.
	Approximately 1.0 mile upstream of U.S. Highway 52	+759	
Church Creek Tributary 1	At the confluence with Church Creek	+660	Unincorporated Areas of Rowan County, Town of Granite Quarry.
	Approximately 380 feet downstream of U.S. Highway 52	+770	
Church Creek Tributary 1A	At the confluence with Church Creek Tributary 1	+660	Unincorporated Areas of Rowan County, Town of Granite Quarry.
	Approximately 0.5 mile upstream of Fish Pond Road	+752	
Church Creek Tributary 2	At the confluence with Church Creek	+733	Unincorporated Areas of Rowan County, Town of Granite Quarry.
	Approximately 100 feet downstream of Percy Lane	+757	
Coddle Creek	At the Iredell/Rowan/Cabarrus County boundary	+674	Unincorporated Areas of Rowan County.
	Approximately 40 feet upstream of the confluence of East Fork Creek.	+674	
Cold Water Creek	At Moose Road (State Road 1308)	+650	Unincorporated Areas of Rowan County.
	Approximately 0.5 mile upstream of Moose Road (State Road 1308).	+653	
Cold Water Creek Tributary 1	At Interstate 85	+661	Unincorporated Areas of Rowan County.
	Approximately 520 feet upstream of Old Beatty Ford Road (State Road 1211).	+663	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Crane Creek	Approximately 0.5 mile downstream of the confluence of Town Creek.	+626	Unincorporated Areas of Rowan County, City of Salisbury, Town of East Spencer, Town of Granite Quarry.
	At the downstream side of U.S. Highway 52	+701	
Crane Creek Tributary 1	At the confluence with Crane Creek	+626	Unincorporated Areas of Rowan County.
	Approximately 0.9 mile upstream of Lake Fork Road (State Road 2170).	+651	
Crane Creek Tributary 2	Approximately 2,400 feet upstream of the confluence with Crane Creek.	+735	Town of Faith.
	Approximately 220 feet upstream of Cemetery Drive	+862	
Crane Creek/High Rock Lake	Entire shoreline within Rowan County	+626	Unincorporated Areas of Rowan County.
	Entire shoreline within Rowan County	+626	
Draft Branch	At the confluence with Grants Creek	+672	City of Salisbury.
	Approximately 1.0 mile upstream of the confluence with Grants Creek.	+672	
Dutch Buffalo Creek Tributary 1.	Approximately 20 feet downstream of the Cabarrus/Rowan County boundary.	+688	Unincorporated Areas of Rowan County.
	At the Rowan/Cabarrus County boundary	+688	
East Fork Creek	At the confluence with Coddle Creek	+674	Unincorporated Areas of Rowan County.
	Approximately 2.0 miles upstream of Unity Church Road (State Road 1355).	+802	
Fisher Branch	At the confluence with Second Creek	+670	Unincorporated Areas of Rowan County, Town of Rockwell.
	Approximately 60 feet downstream of Fisher Road (State Road 2320).	+740	
Flat Creek	At the confluence with Yadkin River	+574	Unincorporated Areas of Rowan County.
	Approximately 1.3 miles upstream of River Road (State Road 2152).	+589	
Flat Rock Branch	At the confluence with Grants Creek	+760	Unincorporated Areas of Rowan County, Town of Landis.
	Approximately 1.1 miles upstream of the confluence with Grants Creek.	+787	
Fourth Creek	At the confluence with South Yadkin River	+656	Unincorporated Areas of Rowan County.
	Approximately 500 feet upstream of the Iredell/Rowan County boundary.	+730	
Fourth Creek Tributary 4	At the confluence with Fourth Creek	+708	Unincorporated Areas of Rowan County.
	Approximately 0.5 mile upstream of the confluence with Fourth Creek.	+711	
Fourth Creek Tributary 5	At the confluence with Fourth Creek	+709	Unincorporated Areas of Rowan County.
	Approximately 360 feet upstream of Baker Mill Road (State Road 1957).	+713	
Grants Creek	At the confluence with Yadkin River	+643	Unincorporated Areas of Rowan County, City of Salisbury, Town of China Grove, Town of Landis, Town of Spencer.
	Approximately 1,190 feet upstream of North Meriah Street	+835	
Grants Creek Tributary 2	Approximately 1,000 feet upstream of the confluence with Grants Creek.	+675	City of Salisbury.
	Approximately 0.4 mile upstream of the confluence with Grants Creek.	+688	
Grants Creek Tributary 3	Approximately 1,750 feet upstream of the confluence with Grants Creek.	+678	City of Salisbury.
	Approximately 0.4 mile upstream of the confluence with Grants Creek.	+680	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Grants Creek Tributary 4	Approximately 2,000 feet upstream of the confluence with Grants Creek.	+681	City of Salisbury, Unincorporated Areas of Rowan County.
	Approximately 1,700 feet downstream of National Guard Road.	+689	
Henderson Branch	At the confluence with Grants Creek	+647	City of Salisbury.
	Approximately 1,500 feet upstream of the confluence with Grants Creek.	+647	
Hopkins Street Branch	At the confluence with Town Creek	+705	City of Salisbury.
	Approximately 250 feet upstream of the confluence with Town Creek.	+705	
Innis Street Creek	At the confluence with Town Creek	+697	City of Salisbury.
	Just downstream of North Arlington Street	+697	
Irish Buffalo Creek	Approximately 0.5 mile upstream of Cannon Farm Road	+737	Unincorporated Areas of Rowan County.
	Approximately 1.3 miles upstream of Echo Hollow Drive	+865	
Irish Buffalo Creek Tributary 4.	Approximately 0.6 mile upstream of the confluence with Irish Buffalo Creek.	+744	Unincorporated Areas of Rowan County, Town of Landis.
	Approximately 0.9 mile upstream of the confluence with Irish Buffalo Creek.	+760	
Irish Buffalo Creek Tributary 5.	Approximately 0.6 mile upstream of the confluence with Irish Buffalo Creek.	+747	Town of Landis.
	Approximately 0.8 mile upstream of the confluence with Irish Buffalo Creek.	+752	
Jump and Run Branch	At the confluence with Grants Creek	+658	City of Salisbury.
	Approximately 380 feet upstream of Willow Road	+763	
Kerr Creek	At the confluence with Sloans Creek	+680	Unincorporated Areas of Rowan County.
	Approximately 1.4 miles upstream of Corriher Springs Road (State Road 1554).	+845	
Klutz Branch	Approximately 75 feet upstream of the confluence with Legion Park Branch.	+759	Town of Granite Quarry.
	Approximately 970 feet upstream of Peeler Street	+776	
Lake Wright Branch	At the confluence with Grants Creek	+715	Town of China Grove, Unincorporated Areas of Rowan County.
	Approximately 1,600 feet upstream of the confluence with Grants Creek.	+716	
Legion Park Branch	Approximately 150 feet upstream of the confluence with Trexler Creek.	+706	Unincorporated Areas of Rowan County, Town of Granite Quarry.
	Approximately 150 feet upstream of South Oak Street	+796	
Little Creek	At the confluence with Grants Creek	+691	Unincorporated Areas of Rowan County.
	Approximately 2,400 feet upstream of the confluence with Grants Creek.	+692	
Little Creek (South)	At the confluence with Third Creek	+720	Unincorporated Areas of Rowan County.
	At the Iredell/Rowan County boundary	+748	
Lomax Creek	At the confluence with Grants Creek	+644	Town of Spencer.
	Approximately 750 feet upstream of the confluence with Grants Creek.	+644	
Mahaley Branch	At the confluence with Grants Creek	+649	City of Salisbury.
	Approximately 1,650 feet upstream of the confluence with Grants Creek.	+649	
Mill Creek	Approximately 250 feet downstream of the Rowan/Cabarrus County boundary.	+713	Unincorporated Areas of Rowan County.
	Approximately 400 feet upstream of Smith Road (State Road 1361).	+799	
North Second Creek	At the confluence with South Yadkin River	+651	Unincorporated Areas of Rowan County.
	At the confluence of Back Creek	+672	
Park Avenue Branch	At the confluence with Town Creek	+690	City of Salisbury.
	Approximately 700 feet upstream of the confluence with Town Creek.	+690	
Park Creek	At the Rowan/Cabarrus County boundary	+679	Unincorporated Areas of Rowan County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
	Approximately 0.5 mile upstream of Smith Road (State Road 1360).	+810	
Peeler Branch	At the confluence with Second Creek Tributary 1	+656	Unincorporated Areas of Rowan County, Town of Rockwell.
	Approximately 500 feet upstream of Sides Road	+711	
Petrea Branch	At the confluence with Grants Creek	+714	Town of China Grove.
	Approximately 180 feet upstream of Spring Branch Road	+765	
Riles Creek	At the confluence with Yadkin River	+572	Unincorporated Areas of Rowan County.
	Approximately 150 feet upstream of the Rowan/Stanly County boundary.	+572	
Rocky Branch	At the confluence with Grants Creek	+644	Town of Spencer.
	Approximately 1,200 feet upstream of the confluence with Grants Creek.	+644	
Rocky Branch Tributary 1	At the confluence with Rocky Branch	+650	Unincorporated Areas of Rowan County, City of Salisbury, Town of Spencer.
	Approximately 0.5 mile upstream of Pickett Avenue	+708	
Rowan Avenue Park Stream	At the confluence with Grants Creek	+644	Unincorporated Areas of Rowan County, Town of Spencer.
	Approximately 150 feet upstream of Charles Street	+644	
Second Creek	At the Rowan/Davidson County boundary	+625	Town of Rockwell, Unincorporated Areas of Rowan County.
	Approximately 0.7 mile upstream of the confluence of Second Creek Tributary 3.	+810	
Second Creek Tributary 1	At the confluence with Second Creek	+640	Unincorporated Areas of Rowan County.
	Approximately 190 feet downstream of Lower Palmer Road (State Road 2343).	+657	
Second Creek Tributary 2	At the confluence with Second Creek	+663	Unincorporated Areas of Rowan County, Town of Rockwell.
	Approximately 450 feet upstream of Miller Street	+735	
Second Creek Tributary 3	At the confluence with Second Creek	+747	Unincorporated Areas of Rowan County.
	Approximately 200 feet upstream of Shuping Mill Road (State Road 2663).	+827	
Sills Creek	At the confluence with Back Creek	+680	Unincorporated Areas of Rowan County.
	At the Iredell/Rowan County boundary	+812	
Sills Creek Tributary 1	At the confluence with Sills Creek	+702	Unincorporated Areas of Rowan County.
	Approximately 0.6 mile upstream of the confluence with Sills Creek.	+710	
Sixth Street Branch	At the confluence with Grants Creek	+644	Town of Spencer.
	Approximately 700 feet upstream of the confluence with Grants Creek.	+644	
Sloans Creek	At the confluence with Back Creek	+672	Unincorporated Areas of Rowan County.
	Approximately 0.4 mile upstream of Brown Road (State Road 1211).	+844	
South Yadkin River	At the confluence with Yadkin River	+648	Unincorporated Areas of Rowan County, City of Salisbury.
	At the Iredell/Davie/Rowan County boundary	+697	
Third Creek	At the confluence with Fourth Creek	+670	Town of Cleveland, Unincorporated Areas of Rowan County.
	Just upstream of the Iredell/Rowan County boundary	+723	
Third Street Creek	At the confluence with Grants Creek	+644	Town of Spencer.
	Approximately 1,260 feet upstream of the confluence with Grants Creek.	+644	
Thomas Street Creek	At the confluence with Town Creek	+703	City of Salisbury.
	At South Boundary Street	+703	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Town Creek	At the confluence with Crane Creek/High Rock Lake	+627	Unincorporated Areas of Rowan County, City of Salisbury, Town of East Spencer.
	Approximately 350 feet upstream of Klumac Road	+714	
Town Creek Tributary 1	At the confluence with Town Creek	+645	Unincorporated Areas of Rowan County, Town of East Spencer.
	Approximately 110 feet upstream of Tanglewood Drive	+714	
Trexler Creek	Approximately 960 feet upstream of the confluence with Crane Creek.	+708	Town of Granite Quarry.
	Approximately 0.2 mile upstream of U.S. Highway 52	+831	
Unnamed Stream 1	At the confluence with Fourth Creek	+678	Unincorporated Areas of Rowan County.
	Approximately 0.9 mile upstream of Mount Vernon Road (State Road 1986).	+688	
Unnamed Stream 2	At the confluence with Fourth Creek	+720	Unincorporated Areas of Rowan County.
	Approximately 0.5 mile downstream of Rary Road (State Road 1978).	+723	
Vance Avenue Branch	At the confluence with Town Creek	+708	City of Salisbury.
	Approximately 460 feet upstream of the confluence with Town Creek.	+708	
Wildlife Tributary	At the confluence with Draft Branch	+672	City of Salisbury.
	Approximately 0.5 mile upstream of the confluence with Draft Branch.	+672	
Withrow Creek	At the confluence with North Second Creek	+665	Unincorporated Areas of Rowan County.
	At the Iredell/Rowan County boundary	+743	
Woodleaf Branch (East)	At the confluence with Grants Creek	+670	City of Salisbury.
	Approximately 100 feet upstream of 4th Street	+707	
Woodleaf Branch (West)	At the confluence with Withrow Creek	+730	Unincorporated Areas of Rowan County.
	At the Iredell/Rowan County boundary	+767	
Yadkin River	Approximately 500 feet downstream of the Rowan/Davidson/Stanly/Montgomery County boundary.	+566	Unincorporated Areas of Rowan County, Town of Spencer.
	At the confluence of South Yadkin River	+648	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.

ADDRESSES

City of Salisbury
Maps are available for inspection at the Salisbury City Hall, 217 South Main Street, Salisbury, North Carolina.

Town of China Grove
Maps are available for inspection at the China Grove Town Hall, 205 Swink Street, China Grove, North Carolina.

Town of Cleveland
Maps are available for inspection at the Cleveland Town Hall, 302 East Main Street, Cleveland, North Carolina.

Town of East Spencer
Maps are available for inspection at the East Spencer Town Hall, 105 South Long Street, East Spencer, North Carolina.

Town of Faith
Maps are available for inspection at the Faith Town Hall, 100 North Main Street, Faith, North Carolina.

Town of Granite Quarry
Maps are available for inspection at the Granite Quarry Town Hall, 143 North Salisbury Avenue, Granite Quarry, North Carolina.

Town of Landis
Maps are available for inspection at the Landis Town Hall, 312 South Main Street, Landis, North Carolina.

Town of Rockwell
Maps are available for inspection at the Rockwell Town Hall, 202 East Main Street, Rockwell, North Carolina.

Town of Spencer
Maps are available for inspection at the Spencer Town Hall, 600 South Salisbury Avenue, Spencer, North Carolina.

Unincorporated Areas of Rowan County
Maps are available for inspection at the Rowan County Planning Department, 130 West Innes Street, Salisbury, North Carolina.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Perry County, Pennsylvania, and Incorporated Areas FEMA Docket No.: B–7760			
Juniata River	Approximately 8,820 feet downstream of State Highway 17 (Sunbury Street).	+402	Township of Tuscarora.
	Approximately 5,420 feet upstream of State Highway 17 (Sunbury Street).	+408	
Little Buffalo Creek	Approximately 5,200 feet upstream of State Route 4010	+428	Township of Juniata.
	Approximately 5,340 upstream of State Route 4010	+428	
Losh Run	Approximately 410 feet downstream of Conrail Railroad	+369	Township of Miller.
	Approximately 930 feet upstream of Conrail Railroad	+369	
Losh Run	Approximately 495 feet downstream of Conrail Railroad	+369	Township of Wheatfield.
	Approximately 880 feet upstream of Conrail Railroad	+369	
Raccoon Creek	Approximately 30 feet downstream of Local Route 50024	+405	Township of Tuscarora.
	Approximately 1,150 feet upstream of Local Route 50024	+405	
Sugar Run	Approximately 605 downstream of Hill Road (T–432)	+404	Township of Tuscarora.
	Approximately 330 feet upstream of Hill Road (T–432)	+404	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.

ADDRESSES

Township of Juniata

Maps are available for inspection at 16 Milford Rd, Newport, PA 17074.

Township of Miller

Maps are available for inspection at 55410 Limekiln Lane, Duncannon, PA 17020.

Township of Tuscarora

Maps are available for inspection at 72 Cementery Rd, Millerstown, PA 17062.

Township of Wheatfield

Maps are available for inspection at Rt. 274, New Bloomfield Road, New Bloomfield, PA 17068.

Raleigh County, West Virginia, and Incorporated Areas FEMA Docket No.: B–7771			
Soak Creek	Approximately 100 feet downstream of State Route 29	+2305	Unincorporated Areas of Raleigh County, Town of Sophia.
	Approximately 80 feet upstream of McKinney Hollow Road	+2328	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.

ADDRESSES

Town of Sophia

Maps are available for inspection at Sophia Town Hall, 100 East Railroad Avenue, Sophia, WV 25921.

Unincorporated Areas of Raleigh County

Maps are available for inspection at Raleigh County Commission Building, 116 1/2 North Heber Street, Beckley, WV 25801.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: December 31, 2008.

Michael K. Buckley,

Acting Assistant Administrator, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E9–73 Filed 1–7–09; 8:45 am]

BILLING CODE 9110–12–P

Proposed Rules

Federal Register
Vol. 74, No. 5
Thursday, January 8, 2009

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 THE TREASURY

Internal Revenue Service

26 CFR Part 31

[REG–158747–06]

RIN 1545–BG45

Withholding Under Internal Revenue Code Section 3402(t); Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains a correction to a notice of proposed rulemaking (REG–158747–06) that was published in the **Federal Register** on Friday, December 5, 2008 (73 FR 74082) relating to withholding under section 3402(t) of the Internal Revenue Code.

The proposed regulations reflect changes in the law made by the Tax Increase Prevention and Reconciliation Act of 2005 that require Federal, State, and local government entities to withhold income tax when making payments to persons providing property or services. These proposed regulations provide guidance to assist the government entities in complying with section 3402(t). The regulations also provide certain guidance to persons receiving payments for property or services from government entities.

FOR FURTHER INFORMATION CONTACT: Jean Casey, (202) 622–6040 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The correction notice that is the subject of this document is under sections 3402, 3406, 6011, 6051, 6071, and 6302 of the Internal Revenue Code.

Need for Correction

As published, the notice of proposed rulemaking (REG–158747–06) contains an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking (REG–158747–06), which was the subject of FR Doc. E8–28789, is corrected as follows:

On page 74087, column 3, in the preamble, under the paragraph heading *''Exception for Certain Payments Received by Nonresident Alien Individuals and Foreign Corporations'',* second paragraph of the column, line 7, the language ''under 3402(t) would be unduly'' is corrected to read ''under section 3402(t) would be unduly''.

Guy Traynor,

Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. E9–85 Filed 1–7–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–B–1029]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1 percent annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before April 8, 2009.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community are available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1029, to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151, or (e-mail) *bill.blanton@dhs.gov*.

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151 or (e-mail) *bill.blanton@dhs.gov*.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered.

A letter acknowledging receipt of any comments will not be sent.

Administrative Procedure Act Statement. This matter is not a rulemaking governed by the Administrative Procedure Act (APA), 5 U.S.C. 553. FEMA publishes flood elevation determinations for notice and comment; however, they are governed by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and do not fall under the APA.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

Executive Order 13132, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This proposed rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground	
				Existing	Modified
City of Fort Yukon, Alaska					
Alaska	City of Fort Yukon	Yukon River	Static BFE approximately 198′ south, southeast of the intersection of 1st Avenue and Husky Avenue.	None	+445
			Static BFE at the intersection of Yukon River and Airport Road.	None	+445

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Fort Yukon

Maps are available for inspection at East 7th Street, Fort Yukon, AK 99740.

City of Togiak, Alaska					
Alaska	City of Togiak	Togiak Bay	Static BFE approximately 2,427 feet southwest of the southwest end of Togiak Airport.	None	+8
			Static BFE at the intersection of the Limit of Detailed Study and the shoreline.	None	+8

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Togiak

Maps are available for inspection at 2nd Avenue G Street, Togiak, AK 99678.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Lake and Peninsula Borough, Alaska, and Incorporated Areas				
Chignik Lake	Entire Shoreline	None	∧16	Lake and Peninsula Borough.

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Local Tidal Datum.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Lake and Peninsula Borough
Maps are available for inspection at P.O. Box 495, King Salmon, AK 99613.

Monroe County, Indiana, and Incorporated Areas				
Beanblossom Creek	Approximately 14,256 feet downstream of Pike Road	None	+580	Unincorporated Areas of Monroe County.
	At Old State Road 37	None	+599	
Clear Creek	Approximately 400 feet downstream of Dillman Road	None	+616	Unincorporated Areas of Monroe County, City of Bloomington.
	Approximately 350 feet upstream of First Street	None	+731	
East Branch Jackson Creek	At confluence with Jackson Creek	+738	+739	City of Bloomington.
	Approximately 520 feet upstream of confluence with Jackson Creek.	+738	+739	
East Fork Jackson Creek	Approximately 100 feet upstream of Moores Pike	None	+822	City of Bloomington.
	Approximately 400 feet upstream of Moores Pike	None	+822	
Griffy Creek	Approximately 430 feet upstream of North Dunn Street.	None	+602	City of Bloomington.
	Approximately 2,760 feet upstream of North Headley Road.	None	+602	
Jacks Defeat Creek	Approximately 400 feet upstream of confluence with Beanblossom Creek.	None	+563	Unincorporated Areas of Monroe County, Town of Ellettsville, Town of Stineville.
	Approximately 550 feet downstream of Harrison Road	+707	+706	
Jackson Creek	At confluence with Clear Creek	None	+634	Unincorporated Areas of Monroe County, City of Bloomington.
	Approximately 1,120 feet upstream of Buick Cadillac Boulevard.	None	+772	
Sinking Creek	At West Third Street	None	+855	City of Bloomington.
	Approximately 420 feet upstream of West Third Street	None	+855	
Stout Creek	At confluence with Beanblossom Creek	None	+581	Unincorporated Areas of Monroe County.
	Approximately 7,000 feet upstream of confluence with Beanblossom Creek.	None	+584	
West Branch Jackson Creek	At confluence with Jackson Creek	+738	+739	City of Bloomington.
	Approximately 220 feet upstream of Covenanter Drive	None	+796	
West Fork Clear Creek	At confluence with Clear Creek	+645	+648	Unincorporated Areas of Monroe County, City of Bloomington.
	Approximately 1,780 feet upstream of Sudburg Lane	None	+737	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

ADDRESSES

City of Bloomington
Maps are available for inspection at City Hall, 401 North Morton Street, Bloomington, IN 47404.

Town of Ellettsville
Maps are available for inspection at Town Hall, 221 North Sale Street, Ellettsville, IN 47429.

Town of Stineville
Maps are available for inspection at Town Hall, 7835 West Buskirk Street, Stinesville, IN 47464.

Unincorporated Areas of Monroe County
Maps are available for inspection at Monroe County Courthouse, Room 322, 100 West Fifth Street, Bloomington, IN 47404.

Garfield County, Oklahoma, and Incorporated Areas				
Boggy Creek Tributary (West Branch).	Approximately 481 feet upstream of the confluence of Boggy Creek Tributary West Branch and Boggy Creek Tributary.	None	+1298	City of Enid.
	Approximately 885 feet upstream of the confluence of Boggy Creek Tributary West Branch and Boggy Creek Tributary.	None	+1301	
Tributary A to Boggy Creek Tributary.	Approximately 663 feet upstream of the confluence of Tributary A of Boggy Creek Tributary and Boggy Creek Tributary.	None	+1309	City of Enid.
	Approximately 1,168 feet upstream of the confluence of Tributary A to Boggy Creek Tributary and the Boggy Creek Tributary.	None	+1313	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Enid
Maps are available for inspection at 401 Owen Garriott Road, Enid, OK 73702.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: December 31, 2008.

Michael K. Buckley,

Acting Assistant Administrator, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E9–74 Filed 1–7–09; 8:45 am]

BILLING CODE 9110–12–P

Notices

Federal Register

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Thursday, January 8, 2009

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.

DEPARTMENT OF AGRICULTURE

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of the Second Dietary Guidelines Advisory Committee Meeting, Invitation for Oral Testimony, and Solicitation of Written Comments

AGENCIES: U.S. Department of Agriculture (USDA), Food, Nutrition and Consumer Services (FNCS) and Research, Education and Economics (REE); and U.S. Department of Health and Human Services (HHS), Office of Public Health and Science (OPHS).

ACTION: Notice.

SUMMARY: The Department of Agriculture (USDA) and the Department of Health and Human Services (HHS): (a) Provide notice of the second meeting of the Dietary Guidelines Advisory Committee; (b) invite requests for oral testimony; and (c) solicit written comments pertinent to a review of the *Dietary Guidelines for Americans.*

DATES: This Notice is provided to the public on January 8, 2009. (1) The Committee will meet on January 29 and 30, 2009, from 8:30 a.m.–4 p.m. E.S.T. both days. (2) Requests to present three minutes of oral testimony, in the morning of the first day, must be received by 5 p.m. E.S.T., on January 23, 2009. (3) Written comments pertinent to review of the *Dietary Guidelines for Americans* must be received by 5 p.m. E.S.T. on January 23, 2009, to ensure transmission to the Committee prior to this meeting. Written comments will be accepted throughout the Committee deliberation process.

ADDRESSES: The second meeting will take place at the U.S. Department of Agriculture, Jefferson Auditorium, 1400 Independence Ave., SW., Washington, DC 20250. Requests for three minutes of oral testimony on January 29th can be made by going to *http://www.DietaryGuidelines.gov* and clicking on the link for Meeting Registration or by calling the scheduler through the meeting planner, Crystal Tyler, at 202–314–4701 by 5 p.m. E.S.T., January 23, 2009. Written comments (separate from oral testimony) are encouraged to be submitted electronically at *http://www.DietaryGuidelines.gov.* A ''submit comments'' button is available for access to the public comments database. Lengthy comments or support materials can be uploaded as an attachment. Multiple attachments must be ''zip-filed.'' Comments not submitted electronically can be mailed, faxed, or delivered to: Carole Davis, Co-Executive Secretary of the Dietary Guidelines Advisory Committee, Center for Nutrition Policy and Promotion, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1034, Alexandria, VA 22302, 703–305–7600 (telephone), 703–305–3300 (fax). All comments will become part of the public comments database.

FOR FURTHER INFORMATION CONTACT: USDA Co-Executive Secretaries: Carole Davis (telephone 703–305–7600), Center for Nutrition Policy and Promotion, 3101 Park Center Drive, Room 1034, Alexandria, Virginia 22302; or Shanthy Bowman (telephone 301–504–0619), Agricultural Research Service (ARS), Beltsville Human Nutrition Research Center, 10300 Baltimore Avenue, Building 005, Room 125, BARC-WEST, Beltsville, Maryland 20705. HHS Co-Executive Secretaries: Kathryn McMurry (telephone 240–453–8280) or Holly McPeak (telephone 240–453–8280), Office of Disease Prevention and Health Promotion, Office of Public Health and Science, 1101 Wootton Parkway, Suite LL100, Rockville, Maryland 20852. Additional information is available on the Internet at *http://www.DietaryGuidelines.gov.*

SUPPLEMENTARY INFORMATION:

Dietary Guidelines Advisory Committee: The thirteen-member Committee appointed by the Secretaries of the two Departments is chaired by Linda V. Van Horn, PhD, R.D., L.D., Northwestern University, Chicago, Illinois. The Vice Chair of the Committee is Naomi K. Fukagawa, M.D., PhD, University of Vermont, Burlington, Vermont. Other members are: Cheryl Achterberg, PhD, The Ohio State University, Columbus, Ohio; Lawrence J. Appel, M.D., M.P.H., Johns Hopkins Medical Institutions, Baltimore, Maryland; Roger A. Clemens, Dr.P.H, The University of Southern California, Los Angeles, California; Miriam E. Nelson, PhD, Tufts University, Boston, Massachusetts; Sharon M. Nickols-Richardson, PhD, R.D., Pennsylvania State University, University Park, Pennsylvania; Thomas A. Pearson, M.D., PhD, M.P.H., University of Rochester, Rochester, New York; Rafael Pérez-Escamilla, PhD, University of Connecticut, Storrs, Connecticut; Xavier Pi-Sunyer, M.D., M.P.H., Columbia University College of Physicians and Surgeons, New York, New York; Eric B. Rimm, Sc.D., Harvard University, Boston, Massachusetts; Joanne L. Slavin, PhD, R.D., University of Minnesota, St. Paul, Minnesota; and Christine L. Williams, M.D., M.P.H., Columbia University (Retired), Healthy Directions, Inc., New York, New York.

Purpose of the Meeting: Section 301 of Public Law 101–445 (7 U.S.C. 5341, the National Nutrition Monitoring and Related Research Act of 1990, Title III) directs the Secretaries of USDA and HHS to publish the *Dietary Guidelines for Americans* at least every five years. At its first meeting, the Dietary Guidelines Advisory Committee advised that a revision of the 2005 *Dietary Guidelines for Americans* is warranted. After a thorough review of the most current scientific and applied literature and open Committee deliberations, the Committee will provide its recommendations in the form of an advisory report to the Secretaries of both Departments.

Meeting Agenda: The meeting will: (a) Provide an opportunity for the public to give oral testimony; (b) include presentations on the descriptive statistics on usual nutrient and food-group intakes in the U.S. population and MyPyramid research updates; and (c) allow for the continued formulation of plans for future work of the Committee.

Public Participation and Building Access

The Jefferson Auditorium is in the USDA South Building, located at the corner of Independence Ave. and 14th Street, SW., Washington, DC. The meeting is open to the public. Due to the need for security screening, pre-registration is required and all visitors must bring a photo I.D. To pre-register, please go to *http://*

www.DietaryGuidelines.gov and click on the link for Meeting Registration or call the scheduler through the meeting planner, Crystal Tyler, at 202–314–4701 by 5 p.m. E.S.T., January 27, 2009. Registration must include name, affiliation, phone number or e-mail, and days attending. Registrants need to indicate whether oral testimony will be provided by January 23, 2009. Following pre-registration, individuals will receive a confirmation of registration via e-mail. This e-mail will also include important information regarding security procedures for entering the South Building, instructions to the Jefferson Auditorium, and metro, parking, and hotel information. Please call Crystal Tyler at 202–314–4701 should you require a sign language interpreter or require other special accommodations.

Oral Testimony: By this notice, the Committee is inviting submission of requests from the public to present three minutes of oral testimony. Oral testimony will be held on the morning of January 29, 2009. Due to time limitations, pre-registration is required. Registration to present oral testimony will be confirmed on a first-come, first-serve basis, as time on the meeting agenda permits. Requests can be made by going to *http://www.DietaryGuidelines.gov* and clicking on the link for Meeting Registration or by calling the scheduler through the meeting planner, Crystal Tyler, at 202–314–4701 by 5 p.m. E.S.T., January 23, 2009. Requests to present oral testimony must include a written outline of the intended testimony not exceeding one page in length. Presenters are required to disclose their affiliation and their source of funding to give oral testimony at the meeting and limit their comments to three minutes. More detailed, written comments may be submitted separately.

Written Comments: By this notice, the Committee is soliciting submission of written comments, views, information and data pertinent to the review of the *Dietary Guidelines for Americans.* Written comments (separate from for oral testimony) are encouraged to be submitted electronically at *http://www.DietaryGuidelines.gov.* A ''submit comments'' button is available for access to the public comments database. Lengthy comments or support materials can be uploaded as an attachment. Multiple attachments must be ''zip-filed.'' Comments not submitted electronically can be mailed, faxed, or delivered to: Carole Davis, Co-Executive Secretary of the Dietary Guidelines Advisory Committee, Center for Nutrition Policy and Promotion, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1034, Alexandria, VA 22302, 703–305–7600 (telephone), 703–305–3300 (fax). All comments will become part of the public comments database. Comments are welcome throughout the Committee's deliberations.

Public Documents: Documents pertaining to Committee deliberations will be available for public viewing at the meeting, and thereafter, will also be accessible 8:30 a.m. to 4:30 p.m. E.S.T., Monday through Friday (except Federal holidays), at the Reference Desk of the National Agricultural Library, USDA/ARS, 10301 Baltimore Avenue, Beltsville, MD 20705. The Reference Desk telephone phone number is 301–504–5755; however, no advance appointment is necessary. Meeting materials (i.e., agenda, meeting minutes, and transcript), once available, can be found at *http://www.DietaryGuidelines.gov.*

Dated: December 18, 2008.

Brian Wansink,

Executive Director, Center for Nutrition Policy and Promotion, U.S. Department of Agriculture.

Dated: December 18, 2008.

Edward B. Knipling,

Administrator, Agricultural Research Service, U.S. Department of Agriculture.

Dated: December 18, 2008

Penelope Slade-Sawyer,

Deputy Assistant Secretary for Health (Disease Prevention and Health Promotion), U.S. Department of Health and Human Services.

[FR Doc. E9–93 Filed 1–7–09; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Tehama County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of Meeting.

SUMMARY: The Tehama County Resource Advisory Committee (RAC) will meet in Red Bluff, California. Agenda items to be covered include: (1) Introductions, (2) Report from Designated Federal Official, (3) Public Comment, (4) 2009 Meeting Schedule, (5) Report on Media Releases, (6) General Discussion, (7) Next Agenda.

DATES: The meeting will be held on February 12, 2009 from 9 a.m. and end at approximately 12 p.m.

ADDRESSES: The meeting will be held at the Lincoln Street School, Pine Room, 1135 Lincoln Street, Red Bluff, CA. Individuals wishing to speak or propose agenda items must send their names and proposals to Eduardo Olmedo, DFO, 825 N. Humboldt Ave., Willows, CA 95988.

FOR FURTHER INFORMATION CONTACT: Eduardo Olmedo, Committee Coordinator, USDA, Mendocino National Forest, Grindstone Ranger District, 825 N. Humboldt Ave., Willows, CA 95988. (530) 934–3316; E–Mail: *eolmedo@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Committee discussion is limited to Forest Service staff and Committee members. However, persons who wish to bring matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by February 9, 2009 will have the opportunity to address the Committee at those sessions.

Dated: December 23, 2008.

Eduardo Olmedo,

Designated Federal Official.

[FR Doc. E9–86 Filed 1–7–09; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Proposed collection; Comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces Rural Development's Cooperative Programs intention to request an extension for a currently approved information collection in support of the program for 7 CFR part 25 Rural Empowerment Zones and Enterprise Communities (EZ/EC).

DATES: Comments on this notice must be received March 9, 2009 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Suzette Agans, Rural Development Specialist, Cooperative Programs, Rural Development, USDA, STOP 3254, 1400 Independence Avenue, SW., Washington, DC 20250–3254, or by e-mail: *suzette.agans@wdc.usda.gov,* Telephone: (202) 401–1922.

SUPPLEMENTARY INFORMATION:

Title: Rural Empowerment Zones and Enterprise Communities (EZ/EC).

OMB Number: 0570–0027.

Expiration Date of Approval: May 31, 2009.

Type of Request: Extension for a currently approved information collection.

Abstract: This information is collected in order to monitor funding requests, outputs and outcomes of the Program; and to adhere to the reporting regulations requirements outlined in 7 CFR Parts 25, 3016, and 3019.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 10 hours per response.

Respondents: Rural Empowerment Zones, Rural Enterprise Communities and Champion Communities.

Estimated Number of Respondents: 67.

Estimated Number of Responses per Respondent: 2.

Estimated Number of Responses: 150.

Estimated Total Annual Burden on Respondents: 1,616 hours.

Copies of this information collection can be obtained from Cheryl Thompson, Regulations and Paperwork Management Branch, Support Services Division at (202) 692–0043.

Comments:

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Office of the Secretary, including whether the information will have practical utility; (b) the accuracy of the Office of the Secretary's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (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 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.

Comments may be sent to Cheryl Thompson, Regulations and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave., SW., Washington, DC 20250–0742. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: December 29, 2008.

LeAnn M. Oliver,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. E9–64 Filed 1–7–09; 8:45 am]

BILLING CODE 3410–XY–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of meeting.

DATE AND TIME: Friday, January 16, 2009; 9:30 a.m.

PLACE: 624 Ninth Street, NW., Rm. 540, Washington, DC 20425.

Meeting Agenda

I. Approval of Agenda
II. Approval of Minutes of December 12, 2008 Meeting
III. Announcements
IV. Staff Director's Report
V. Program Planning
- Future Briefing Topics
- Update on Status of 2009 Statutory Report
- Briefing Report on the Department of Justice's Enforcement of Voting Rights in the 2008 Presidential Elections

VI. State Advisory Committee Issues
- Alabama SAC
- Commissioner Involvement in SACs

VII. Future Agenda Items
VIII. Adjourn

CONTACT PERSON FOR FURTHER INFORMATION: Lenore Ostrowsky, Acting Chief, Public Affairs Unit (202) 376–8582.

Dated: January 6, 2009.

David Blackwood,

General Counsel.

[FR Doc. E9–279 Filed 1–6–09; 4:15 pm]

BILLING CODE 6335–01–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: Pacific Islands Region Coral Reef Ecosystems Logbook and Reporting.

Form Number(s): None.

OMB Approval Number: 0648–0462.

Type of Request: Regular submission.

Burden Hours: 382.

Number of Respondents: 5.

Average Hours per Response: At-sea notification, 3 minutes; daily catch report, 30 minutes; and transshipment log, 15 minutes.

Needs and Uses: Under the Magnuson-Stevens Fishery Conservation and Management Act, logbooks are required for United States (U.S.) fishing vessels registered to use (or any U.S. citizen issued with) a Special Coral Reef Ecosystem Fishing Permit authorized under the Fishery Management Plan for Coral Reef Ecosystems of the Western Pacific Region. The information in the mandatory logbooks are used to obtain fish catch/fishing effort data on coral reef taxa harvested in designated low-use marine protected areas and on potentially harvested coral reef taxa in certain waters of the U.S. exclusive economic zone in the western Pacific region. These data are needed to determine the condition of the stocks and whether the current management measures are having the intended effects, to evaluate the benefits and costs of changes in management measures, and to monitor and respond to incidental takes of endangered and threatened marine animals.

Affected Public: Business or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

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 7845, 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: January 5, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9–91 Filed 1–7–09; 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 Oceanic and Atmospheric Administration (NOAA).

Title: Submission of Conservation Efforts to Make Listings Unnecessary under the Endangered Species Act.

Form Number(s): None.

OMB Approval Number: 0648–0466.

Type of Request: Regular submission.

Burden Hours: 3,300.

Number of Respondents: 3.

Average Hours per Response: Development of agreement with intent to preclude listing, 2,500 hours; monitoring effectiveness of agreement, 340 hours; and annual report, 80 hours.

Needs and Uses: This information collection is based on National Marine Fisheries Service and the U.S. Fish and Wildlife Service (Services) policy on the criteria to be used to evaluate conservation efforts by states and other non-Federal entities. The Services take these efforts into account when making decisions on whether to list a species as threatened or endangered under the Endangered Species Act. Efforts usually involve the development of a conservation plan or agreement, procedures for monitoring the effectiveness of the plan or agreement, and an annual report.

Affected Public: State, local or tribal government.

Frequency: Annually and on occasion.

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 7845, 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: January 5, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9–92 Filed 1–7–09; 8:45 am]

BILLING CODE 3510–22–P

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: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Reviews

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

EFFECTIVE DATE: January 8, 2009.

FOR FURTHER INFORMATION CONTACT: Yang Jin Chun 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) 482-5760 or (202) 482-4477, respectively.

SUPPLEMENTARY INFORMATION:

Background

At the request of interested parties, the Department of Commerce (the Department) initiated administrative reviews of the antidumping duty orders on ball bearings and parts thereof from France, Germany, Italy, Japan, and the United Kingdom for the period May 1, 2007, through April 30, 2008. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 73 FR 37409 (July 1, 2008). The preliminary results of the reviews are currently due no later than February 2, 2009.

Extension of Time Limit for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. If it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 365 days after the last day of the anniversary month.

We determine that it is not practicable to complete the preliminary results of these reviews within the original time limit because several respondents we had selected for individual examination under section 777A(c)(2)(B) of the Act withdrew their requests for reviews on or before October 15, 2008. As a result, we identified additional respondents to examine on October 21, 2008. See the October 21, 2008, memoranda from Richard Rimlinger to Laurie Parkhill entitled ''Ball Bearings and Parts Thereof from Japan Identification of Respondents'' and ''Ball Bearings and Parts Thereof from the United Kingdom Identification of Respondents.'' Therefore, we are extending the time period for issuing the preliminary results of these reviews by 80 days until April 21, 2009.

This notice is published in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2).

Dated: December 31, 2008.

Edward C. Yang,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–69 Filed 1–7–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–863]

Honey From the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review

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

SUMMARY: On November 7, 2008, the Department of Commerce (''Department'') published the preliminary results of its administrative review of the antidumping duty order on honey from the People's Republic of China (''PRC''), covering the period of December 1, 2006, through November 30, 2007. *See Sixth Administrative Review of Honey From the People's Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review,* 73 FR 66221 (November 7, 2008) (*''Preliminary Results''*). The Department received no comments on its *Preliminary Results.*

DATES: *Effective Date:* January 8, 2009.

FOR FURTHER INFORMATION CONTACT: Paul Walker or Scot Fullerton, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482–0413 or (202) 482–1386, respectively.

Case History

After issuing the *Preliminary Results* on November 7, 2008, the Department provided Anhui Native Produce Import & Export Corporation (''Anhui Native''), the only participating respondent in this review, an opportunity to correct certain deficiencies in its section C database. *See* the Department's letter dated November 17, 2008. Specifically, as noted in the *Preliminary Results*, Anhui Native reported antidumping duties rather than Customs duties in its section C database. *See* Preliminary Results. On November 21, 2008, Anhui Native submitted a revised section C database. *See* Anhui Native's November 21, 2008 submission at Exhibit 1.

Additionally, the Department invited interested parties to comment on the *Preliminary Results.* No interested party, including Anhui Native, submitted a case brief or comments, or requested a hearing. Therefore, the Department made only one change from the *Preliminary Results,* incorporating Anhui Native's revised section C database in the dumping margin calculation for these final results.

Scope of Order

The products covered by the order are natural honey, artificial honey containing more than 50 percent natural honey by weight, preparations of natural honey containing more than 50 percent natural honey by weight and flavored honey. The subject merchandise includes all grades and colors of honey whether in liquid, creamed, comb, cut comb, or chunk form, and whether packaged for retail or in bulk form.

The merchandise subject to the order is currently classifiable under subheadings 0409.00.00, 1702.90.90 and 2106.90.99 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise under order is dispositive.

Final Partial Rescission

In the *Preliminary Results,* the Department preliminarily rescinded this review with respect to the following companies: Dongtai Peak Honey Industry Co., Ltd. (''Dongtai Peak'') and Wuhu Qinshi Tangye Co., Ltd. (''Tangye''). We received no comments or information to change our preliminary rescission. Therefore, we are rescinding this administrative review with respect to Dongtai Peak and Tangye.

Final Results of the Review

The Department finds that the following margins exist for the following exporters under review for the period December 1, 2006, through November 30, 2007:

HONEY FROM THE PRC

Manufacturer/exporter	Margin (per kilogram)
Anhui Native	$2.63
PRC-wide Entity[1]	$2.63

[1] The PRC-wide entity includes Alfred L. Wolff (Beijing) Co., Ltd., Cheng Du Wai Yuan Bee Products Co., Ltd., Haoliluck Co., Ltd., Hubei Yusun Co., Ltd., Inner Mongolia Youth Trade Development Co., Ltd., Mgl. Yung Sheng Honey Co., Ltd. (also DBA Fresh Honey Co., Ltd.), Nefelon Limited Company and Qinhuangdao Municipal Dafeng Industrial Co., Ltd.

Assessment of Antidumping Duties

The Department will determine, and U.S. Customs and Border Protection (''CBP'') shall assess, antidumping duties on all appropriate entries pursuant to section 751(a)(1)(B) of the Tariff Act of 1930, as amended (''Act''), and 19 CFR 351.212(b). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the date of publication of the final results of this review.

Consistent with the *Fifth AR Final Results,* we will direct CBP to assess importer-specific assessment rates based on the resulting per-unit (*i.e.*, per kilogram) amount on each entry of the subject merchandise during the period of review. *See Honey from the People's Republic of China: Final Results and Rescission, In Part, of Aligned Antidumping Duty Administrative Review and New Shipper Review,* 73 FR 42321 (July 21, 2008) (*''Fifth AR Final Results''*). For assessment purposes, we calculated importer-specific assessment rates for honey from the PRC. Specifically, we divided the total duties for each importer by the total quantity of subject merchandise sold to that importer during the period of review (''POR'') to calculate a per-unit assessment amount. We will direct CBP to assess importer-specific assessment rates based on the resulting per-unit (*i.e.*, per kilogram) amount on each entry of the subject merchandise during the POR if any importer-specific assessment rate calculated in the final results of this review is above *de minimis*.

Cash Deposit Requirements

The following cash-deposit requirements will be effective upon publication of the final results for shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by Anhui Native the cash deposit rate will be $2.63 per kilogram; (2) for all other PRC exporters of subject merchandise which have not been found to be entitled to a separate rate and, thus, are a part of the PRC-wide entity, the cash-deposit rate will be the PRC-wide rate of $2.63 per-kilogram; (3) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have a separate rate, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash-deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, 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)(2) 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 Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a final reminder to parties subject to the administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305. Timely written 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.

This administrative review and notice is in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 30, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E9–66 Filed 1–7–09; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–847]

Persulfates From the People's Republic of China: Notice of Rescission of the 2007–2008 Administrative Review of the Antidumping Duty Order

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

DATES: *Effective Date:* January 8, 2009.

FOR FURTHER INFORMATION CONTACT: Giselle Cubillos, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–1778.

Background

On July 11, 2008, the Department of Commerce (''the Department'') published a notice of opportunity to request an administrative review of the antidumping duty order on persulfates from the People's Republic of China (''PRC''). *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 73 FR 39948 (July 11, 2008). On July 31, 2008, FMC Corporation (''FMC''), a domestic producer of persulfates, requested that the Department conduct an administrative review of Shanghai AJ Import & Export Corporation—Degussa-AJ Shanghai Initiators Co., LTD.'s exports to the United States for the period of review (''POR'') July 1, 2007, through June 30, 2008. Pursuant to this request, the Department published a notice of the initiation of the administrative review of the antidumping duty order on persulfates from the PRC. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 73 FR 50308 (August 26, 2008).

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of the notice of initiation. On December 3, 2008, FMC timely withdrew its request for a review, and no other interested party requested a review of this company.[1] Therefore, the Department is rescinding this administrative review of the antidumping duty order on persulfates from the PRC covering the period July 1, 2007, through June 30, 2008, in accordance with 19 CFR 351.213(d)(1).

Assessment

The Department will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the publication of this notice in the **Federal Register**.

Notification to Interested Parties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Pursuant to 19 CFR 351.402(f)(3), failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

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 and as explained in the APO itself. Timely written notification of the return/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.

This notice is in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: January 2, 2009.

Edward C. Yang,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–140 Filed 1–7–09; 8:45 am]

BILLING CODE 3510–DS–P

[1] On November 26, 2008, in response to a request from FMC, the Department extended the deadline for FMC to withdraw its review request from November 24, 2008, until December 3, 2008.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XM37

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

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

ACTION: Notice; intent to prepare an environmental assessment or an environmental impact statement; request for written comments.

SUMMARY: NMFS, in consultation with the North Pacific Fishery Management Council, announces its intent to prepare either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) on measures to minimize non–Chinook salmon bycatch in the Bering Sea, in accordance with the National Environmental Policy Act of 1969. The proposed action would replace the current Chum Salmon Savings Area in the Bering Sea, and the specific exemption to the area closure, with new regulatory closures, salmon bycatch limits, or a combination of both. The scope of the EA or EIS will be to determine the impacts to the human environment resulting from the measures to minimize non–Chinook salmon bycatch. NMFS will accept written comments from the public to determine the issues of concern and the appropriate range of alternatives for analysis.

DATES: Written comments must be received by March 23, 2009.

ADDRESSES: Written comments on issues and alternatives should be sent to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. Comments may be submitted by:

- E–mail: *ChumSalmonBycatchEIS@noaa.gov*. Include in the subject line the following document identifier: ''RIN 0648–XM37''. E–mail comments, with or without attachments, are limited to 5 megabytes;
- Mail: P.O. Box 21668, Juneau, AK 99802;
- Hand Delivery to the Federal Building: 709 West 9th Street, Room 420A, Juneau, AK; or
- Fax: 907–586–7557.

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. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

FOR FURTHER INFORMATION CONTACT: Gretchen Harrington, (907) 586–7228.

SUPPLEMENTARY INFORMATION: Under the Magnuson–Stevens Fishery Conservation and Management Act (Magnuson–Stevens Act), the United States has exclusive fishery management authority over all living marine resources found within the exclusive economic zone. The management of these marine resources, with the exception of certain marine mammals and birds, is vested in the Secretary of Commerce. The North Pacific Fishery Management Council (Council) has the responsibility to prepare fishery management plans for those marine resources off Alaska requiring conservation and management. Management of the Federal groundfish fishery in the Bering Sea is carried out under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). The FMP, its amendments, and implementing regulations (found at 50 CFR part 679) are developed in accordance with the requirements of the Magnuson–Stevens Act and other applicable Federal laws and executive orders, notably the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA).

The Council is considering new measures to minimize non–Chinook salmon bycatch in the Bering Sea pollock fishery because of the potential negative impacts on salmon stocks in general, and on western Alaska salmon stocks in particular. Four species of salmon (sockeye, coho, pink, and chum) are aggregated into a ''non–Chinook salmon'' species category for catch accounting and prohibited species catch limits. Chum salmon comprises over 99.6% of the total catch in this category. The majority of non–Chinook bycatch occurs in the pollock trawl fishery during the B season (June 10 to November 1). Historically, the portion of the non–Chinook bycatch from the pollock trawl fishery has ranged from 88% to over 99.5% of all non–Chinook salmon bycatch in the federal groundfish fisheries. Since 2002, bycatch of non–Chinook salmon in the pollock fishery has comprised over 95% of the total non–Chinook salmon bycatch.

From 1991 through 2002, the average annual bycatch in the Bering Sea pollock fishery was 72,668 non–Chinook salmon. From 2003 through 2006, non–Chinook salmon bycatch numbers increased substantially to a historic high of 704,989 non–Chinook salmon in 2005. Bycatch since 2006 has declined substantially, with a 2008 bycatch of 15,002 non–Chinook salmon. The numbers of non–Chinook salmon bycatch in the Bering Sea pollock fishery from 2003 through 2008 are shown in the following table:

Year	Number of non–Chinook salmon
2003	195,135
2004	440,692
2005	704,989
2006	309,676
2007	94,349
2008	15,002

NMFS and the Council are initiating scoping in the event that an Environmental Impact Statement (EIS) is the required NEPA document for the proposed action and its alternatives. We are seeking information from the public through the scoping process on the range of alternatives to be analyzed, and on the environmental, social, and economic issues to be considered in the analysis. Written comments generated during this scoping process will be provided to the Council and incorporated into the EIS, or the EA if we determine that an EIS is not required.

Chum Salmon Savings Area and Prohibited Species Catch Limit

The Chum Salmon Savings Area in the Bering Sea is a time–area closure designed to reduce overall non–Chinook salmon bycatch in the federal groundfish trawl fisheries. This time–area closure was adopted based on historically observed salmon bycatch rates and was designed to avoid areas and times of high non–Chinook salmon bycatch. The Chum Salmon Savings Area is closed to pollock fishing from August 1 through August 31 of each year. Additionally, if the prohibited species catch limit of 42,000 non–Chinook salmon are caught by vessels using trawl gear in the Catcher Vessel Operational Area during the period August 15 through October 14, the Chum Salmon Savings Area remains closed to directed fishing for pollock for the remainder of the calendar year.

Non–CDQ and CDQ pollock vessels participating in an inter–cooperative agreement (ICA) using the Voluntary Rolling Hotspot System (VHRS) are exempted from closures of the Chum Salmon Savings Area. The purpose of the VHRS ICA is to use real–time salmon bycatch information to avoid areas of high non–Chinook salmon bycatch rates. The ICA utilizes a system of base bycatch rates, assignment of vessels to tiers based on bycatch rates relative to the base rate, a system of closures for vessels in certain tiers, and monitoring and enforcement through private contractual arrangements. The VRHS ICA was necessary because comparisons of non–community development quota (non–CDQ) vessels fishing outside of the salmon savings areas with CDQ vessels fishing inside of the salmon savings areas indicated that salmon bycatch rates were much higher outside of the savings areas, and closures were displacing vessels to higher bycatch areas.

Proposed Action

The proposed action is to replace the current Chum Salmon Savings Areas and the VRHS ICA regulations with new regulatory closures, salmon bycatch limits, or a combination of both based on current salmon bycatch information. The purpose of the proposed action is to minimize non–Chinook salmon bycatch to the extent practicable while achieving optimum yield from the pollock fishery. The proposed action is necessary to ensure long–term conservation and abundance of salmon, maintain a healthy marine ecosystem, provide maximum benefit to fishermen and communities that depend on salmon and pollock, and comply with the Magnuson–Stevens Act.

Alternative Management Measures

We will evaluate a range of alternative management measures for the Bering Sea pollock fishery. Alternatives may be formulated based on the elements identified here, and those developed through the public scoping and Council processes. Possible alternatives could be constructed from one or more of the following measures:

1. Hard Cap – Establish a hard cap for non–Chinook salmon bycatch in the CDQ and non–CDQ pollock fisheries. The eight hard cap options range from 58,176 to 488,045 non–Chinook salmon. Hard caps could be apportioned to the CDQ and non–CDQ pollock fisheries or divided among the fishery sectors. Sector level caps could be further divided among the cooperatives. Fishery

participants would be required to stop fishing when the hard cap is reached.

2. Triggered area closure – Establish a salmon savings area closure based on current salmon bycatch information. These closures would occur once a specified cap level was reached.

Additional information about non–Chinook salmon bycatch and the alternatives that the Council may consider may be found on the Council's website at: *http://www.alaskafisheries.noaa.gov/npfmc/current__issues/bycatch/chumbycatch1208.pdf.*

Preliminary Identification of Issues

A principal objective of the scoping and public input process is to identify potentially significant impacts to the human environment. The analysis will evaluate the impacts of the alternatives for all resources, species, and issues that may be directly or indirectly affected by non–Chinook salmon bycatch in the Bering Sea pollock fisheries. The following components of the biological and physical environment may be evaluated: (1) target and non–target fish stocks, forage fish, and prohibited species, including salmon species; (2) species listed under the ESA and their critical habitat; (3) seabirds; (4) marine mammals; and (5) the ecosystem.

Social and economic impacts also would be considered in terms of the effects that changes to non–Chinook salmon bycatch management measures would have on the following groups of individuals: (1) those who participate in harvesting pollock; (2) those who process and market pollock and pollock products; (3) those who consume pollock products; (4) those who rely on living marine resources caught in the management area, particularly non–Chinook salmon; (5) those who benefit from subsistence, commercial, and sport salmon fisheries; and (6) fishing communities.

Public Involvement

Scoping is an early and open process for determining the scope of issues to be addressed in an EA for EIS and for identifying the significant issues related to the proposed action. A principal objective of the scoping and public involvement process is to identify a range of reasonable of management alternatives that will delineate critical issues and provide a clear basis for distinguishing among those alternatives and selecting a preferred alternative. Through this notice, we are notifying the public that a NEPA analysis and decision–making process for this proposed action has been initiated so that interested or affected people may participate and contribute to the final decision.

We are seeking written public comments on the scope of issues, including potential impacts, and alternatives that should be considered in revising non–Chinook salmon bycatch management measures. Written comments will be accepted at the address above (see **ADDRESSES**). Written comments should be as specific as possible to be the most helpful. Written comments received during the scoping process, including the names and addresses of those submitting them, will be considered part of the public record of this proposal and will be available for public inspection.

The public is invited to participate and provide input at Council meetings where the latest scientific information regarding salmon bycatch in the Bering Sea pollock fishery is reviewed and alternative non–Chinook salmon bycatch reduction measures are developed and evaluated. Notice of future Council meetings will be published in the **Federal Register** and posted on the Internet at *http://alaskafisheries.noaa.gov/*. Please visit this website for more information on this proposed action and for guidance on submitting effective public comments.

Dated: January 2, 2009.

Emily H. Menashes

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

[FR Doc. E9–125 Filed 1–7–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XM55

Marine Mammals; File No. 782–1708

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that the NMFS National Marine Mammal Laboratory, Seattle, WA has been issued a minor amendment to Scientific Research Permit No. 782–1708–04.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following office:

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.

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Kate Swails, (301)713–2289.

SUPPLEMENTARY INFORMATION: The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The original permit (No. 782–1708), issued on August 23, 2003 (68 FR 53967) and valid through December 31, 2008, authorized research on northern fur seals (*Callorhinus ursinus*) of the San Miguel Islands Stock at San Miguel Island, California, and of the Eastern North Pacific Stock at Bogoslof Island and the Pribilof Islands in Alaska. The permit was subsequently amended four times to modify methods and take numbers. The minor amendment (No. 782–1708–05) extends the duration of the permit through December 31, 2009, and does not change any other terms or conditions of the permit.

Dated: January 2, 2009.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E9–124 Filed 1–7–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No. PTO–C–2008–0058]

National Medal of Technology and Innovation Nomination Evaluation Committee

AGENCY: United States Patent and Trademark Office.

ACTION: Notice and request for nominations.

SUMMARY: The Department of Commerce (United States Patent and Trademark Office) is requesting nominations of individuals to serve on the National Medal of Technology and Innovation Nomination Evaluation Committee. The United States Patent and Trademark Office will consider nominations received in response to this notice as well as from other sources. The **SUPPLEMENTARY INFORMATION** section of this notice provides committee and membership criteria.

DATES: Please submit nominations within 60 days of the publication of this notice.

ADDRESSES: Nominations should be submitted to Jennifer Lo, Program Manager, National Medal of Technology and Innovation Program, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313–1450. Nominations also may be submitted via fax: (571) 270–9100 or by electronic mail to: *nmti@uspto.gov.*

FOR FURTHER INFORMATION CONTACT: Jennifer Lo, Program Manager, National Medal of Technology and Innovation Program, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313–1450, telephone (571) 272–7640, or electronic mail: *nmti@uspto.gov.*

SUPPLEMENTARY INFORMATION: The committee was established in accordance with the Federal Advisory Committee Act (FACA) (Title 5, United States Code, Appendix 2). The following provides information about the committee and membership:

- Committee members are appointed by and serve at the discretion of the Secretary of Commerce. The committee provides advice to the Secretary on the implementation of Public Law 96–480 (15 U.S.C. 3711), as amended August 9, 2007.
- The committee functions solely as an advisory body under the FACA. Members are appointed to the 12-member committee for a term of three years. Each will be reevaluated at the conclusion of the three-year term with the prospect of renewal, pending advisory committee needs and the Secretary's concurrence. Selection of membership is made in accordance with applicable Department of Commerce guidelines.
- Members are responsible for reviewing nominations and making recommendations for the Nation's highest honor for technological innovation, awarded annually by the President of the United States. Members of the committee must have an understanding of, and experience in, developing and utilizing technological innovation and/or be familiar with the education, training, employment and management of technological manpower.
- Under the FACA, membership on a committee must be balanced. To achieve balance, the Department is seeking additional nominations of candidates from small, medium-sized, and large businesses or with special expertise in the following sub-sectors of the technology enterprise:

Medical Innovations/Bioengineering and Biomedical Technology/Technology Management/Computing/IT/Manufacturing Innovation/Technological Manpower/Workforce Training/Education

Committee members generally are Chief Executive Officers or former Chief Executive Officers; former winners of the National Medal of Technology and Innovation; presidents or distinguished faculty of universities; or senior executives of non-profit organizations. As such, they not only offer the stature of their positions but also possess intimate knowledge of the forces determining future directions for their organizations and industries. The committee as a whole is balanced in representing geographical, professional, and diverse interests.

Nomination Information:

- Nominees must be United States citizens, must be able to fully participate in meetings pertaining to the review and selection of finalists for the National Medal of Technology and Innovation, and must uphold the confidential nature of an independent peer review and competitive selection process.
- The United States Patent and Trademark Office is committed to equal opportunity in the workplace and seeks a broad-based and diverse committee membership.

Date: December 2, 2008.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. E9–104 Filed 1–7–09; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No. PTO–C–2008–0059]

National Medal of Technology and Innovation Call for 2009 Nominations

AGENCY: United States Patent and Trademark Office.

ACTION: Notice and request for nominations.

SUMMARY: The Department of Commerce (United States Patent and Trademark Office) is accepting nominations for its National Medal of Technology and Innovation (NMTI) program.

Since establishment by Congress in 1980, the President of the United States has awarded the National Medal of Technology and Innovation (formerly known as the National Medal of Technology) annually to our Nation's leading innovators. If you know of a candidate who has made an outstanding, lasting contribution to the economy through the promotion of technology or technological manpower, you may obtain a nomination form from: *http://www.uspto.gov/nmti.*

Eligibility and Criteria: Information on eligibility and nomination criteria is provided on the Nominations Guidelines Form at *http://www.uspto.gov/nmti.*

DATES: The deadline for submission of an application is May 29, 2009.

ADDRESSES: The NMTI Nomination form for the year 2009 may be obtained by visiting the Web site at *http://www.uspto.gov/nmti.* Nomination applications should be submitted to Jennifer Lo, Program Manager, National Medal of Technology and Innovation Program, by electronic mail to: *NMTI@uspto.gov* or by mail to: Jennifer Lo, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313–1450.

FOR FURTHER INFORMATION CONTACT: Jennifer Lo, Program Manager, National Medal of Technology and Innovation Program, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313–1450, telephone (571) 272–7640, or electronic mail: *nmti@uspto.gov.*

SUPPLEMENTARY INFORMATION: Enacted by Congress in 1980, the Medal of Technology was first awarded in 1985. On August 9, 2007, the President signed the America COMPETES (Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science) Act of 2007. The Act amended section 16 of the Stevenson-Wydler Technology Innovation Act of 1980, changing the name of the Medal to the ''National Medal of Technology and Innovation.'' The Medal is the highest honor awarded by the President of the United States to America's leading innovators in the field of technology, and is given annually to individuals, teams, or companies who have made outstanding contributions to the promotion of technology or technological manpower for the improvement of the economic, environmental or social well-being of the United States.

The primary purpose of the National Medal of Technology and Innovation is to recognize American innovators whose vision, creativity, and brilliance in moving ideas to market have had a profound and lasting impact on our economy and way of life. The Medal highlights the national importance of

fostering technological innovation based upon solid science, resulting in commercially successful products and services.

Dated: December 2, 2008.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. E9–102 Filed 1–7–09; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: DoD, Per Diem, Travel and Transportation Allowance Committee.

ACTION: Notice of revised non-foreign overseas per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 261. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 261 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

DATES: *Effective Date:* January 1, 2009.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 260. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. The text of the Bulletin follows:

Dated: December 30, 2008.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
THE ONLY CHANGES IN CIVILIAN BULLETIN 261 ARE UPDATES TO THE RATES FOR ALASKA.				
ALASKA				
ADAK	120	79	199	07/01/2003
ANCHORAGE [INCL NAV RES]				
05/01 - 09/15	181	97	278	04/01/2007
09/16 - 04/30	99	89	188	04/01/2007
BARROW	159	95	254	05/01/2002
BETHEL	139	87	226	01/01/2009
BETTLES	135	62	197	10/01/2004
CLEAR AB	90	82	172	10/01/2006
COLDFOOT	165	70	235	10/01/2006
COPPER CENTER				
05/01 - 09/30	125	84	209	01/01/2009
10/01 - 04/30	95	81	176	01/01/2009
CORDOVA				
05/01 - 09/30	95	78	173	06/01/2007
10/01 - 04/30	85	77	162	06/01/2007
CRAIG				
05/16 - 09/30	236	80	316	07/01/2008
10/01 - 05/15	151	71	222	07/01/2008
DELTA JUNCTION	135	80	215	07/01/2008
DENALI NATIONAL PARK				
06/01 - 08/31	135	80	215	01/01/2009
09/01 - 05/31	79	74	153	01/01/2009
DILLINGHAM				
04/15 - 10/15	185	83	268	01/01/2009
10/16 - 04/14	169	82	251	01/01/2009
DUTCH HARBOR-UNALASKA	121	86	207	01/01/2009
EARECKSON AIR STATION	90	77	167	06/01/2007
EIELSON AFB				
05/01 - 09/15	169	95	264	02/01/2007
09/16 - 04/30	75	86	161	02/01/2007
ELMENDORF AFB				
05/01 - 09/15	181	97	278	04/01/2007
09/16 - 04/30	99	89	188	04/01/2007
FAIRBANKS				
05/01 - 09/15	169	95	264	02/01/2007
09/16 - 04/30	75	86	161	02/01/2007
FOOTLOOSE	175	18	193	06/01/2002
FT. GREELY	135	80	215	07/01/2008
FT. RICHARDSON				
05/01 - 09/15	181	97	278	04/01/2007
09/16 - 04/30	99	89	188	04/01/2007
FT. WAINWRIGHT				
05/01 - 09/15	169	95	264	02/01/2007

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
09/16 - 04/30	75	86	161	02/01/2007
GLENNALLEN				
05/01 - 09/30	125	84	209	01/01/2009
10/01 - 04/30	95	81	176	01/01/2009
HAINES	109	75	184	01/01/2009
HEALY				
06/01 - 08/31	135	80	215	01/01/2009
09/01 - 05/31	79	74	153	01/01/2009
HOMER				
05/15 - 09/15	167	85	252	01/01/2009
09/16 - 05/14	79	78	157	01/01/2009
JUNEAU				
05/01 - 09/30	149	85	234	01/01/2009
10/01 - 04/30	109	80	189	01/01/2009
KAKTOVIK	165	86	251	05/01/2002
KAVIK CAMP	150	69	219	05/01/2002
KENAI-SOLDOTNA				
05/01 - 08/31	129	92	221	04/01/2006
09/01 - 04/30	79	87	166	04/01/2006
KENNICOTT	259	94	353	01/01/2009
KETCHIKAN				
05/01 - 09/30	140	83	223	01/01/2009
10/01 - 04/30	98	78	176	01/01/2009
KING SALMON				
05/01 - 10/01	225	91	316	05/01/2002
10/02 - 04/30	125	81	206	05/01/2002
KLAWOCK				
05/16 - 09/30	236	80	316	07/01/2008
10/01 - 05/15	151	71	222	07/01/2008
KODIAK				
05/01 - 09/30	136	85	221	01/01/2009
10/01 - 04/30	99	82	181	01/01/2009
KOTZEBUE	179	93	272	07/01/2008
KULIS AGS				
05/01 - 09/15	181	97	278	04/01/2007
09/16 - 04/30	99	89	188	04/01/2007
MCCARTHY	259	94	353	01/01/2009
MCGRATH	165	69	234	10/01/2006
MURPHY DOME				
05/01 - 09/15	169	95	264	02/01/2007
09/16 - 04/30	75	86	161	02/01/2007
NOME	130	96	226	04/01/2008
NUIQSUT	180	53	233	05/01/2002
PETERSBURG	100	71	171	07/01/2008
PORT ALSWORTH	135	88	223	05/01/2002
SELDOVIA				

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
05/15 - 09/15	167	85	252	01/01/2009
09/16 - 05/14	79	78	157	01/01/2009
SEWARD				
05/01 - 09/30	174	85	259	01/01/2009
10/01 - 04/30	99	77	176	01/01/2009
SITKA-MT. EDGECUMBE				
05/01 - 09/30	119	80	199	01/01/2009
10/01 - 04/30	99	77	176	01/01/2009
SKAGWAY				
05/01 - 09/30	140	83	223	01/01/2009
10/01 - 04/30	98	78	176	01/01/2009
SLANA				
05/01 - 09/30	139	55	194	02/01/2005
10/01 - 04/30	99	55	154	02/01/2005
SPRUCE CAPE				
05/01 - 09/30	136	85	221	01/01/2009
10/01 - 04/30	99	82	181	01/01/2009
ST. GEORGE	129	55	184	06/01/2004
TALKEETNA	100	89	189	07/01/2002
TANANA	130	96	226	04/01/2008
TOGIAK	100	39	139	07/01/2002
TOK				
05/01 - 09/30	109	72	181	01/01/2009
10/01 - 04/30	99	71	170	01/01/2009
UMIAT	350	35	385	10/01/2006
VALDEZ				
05/01 - 09/30	159	88	247	01/01/2009
10/01 - 04/30	115	84	199	01/01/2009
WASILLA				
05/01 - 09/30	151	89	240	01/01/2009
10/01 - 04/30	96	83	179	01/01/2009
WRANGELL				
05/01 - 09/30	140	83	223	01/01/2009
10/01 - 04/30	98	78	176	01/01/2009
YAKUTAT	105	76	181	01/01/2009
[OTHER]	100	71	171	01/01/2009
AMERICAN SAMOA				
AMERICAN SAMOA	122	73	195	12/01/2005
GUAM				
GUAM (INCL ALL MIL INSTAL)	135	80	215	07/01/2008
HAWAII				
CAMP H M SMITH	177	106	283	05/01/2008
EASTPAC NAVAL COMP TELE AREA	177	106	283	05/01/2008
FT. DERUSSEY	177	106	283	05/01/2008
FT. SHAFTER	177	106	283	05/01/2008
HICKAM AFB	177	106	283	05/01/2008

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
HONOLULU	177	106	283	05/01/2008
ISLE OF HAWAII: HILO	112	104	216	06/01/2007
ISLE OF HAWAII: OTHER	180	104	284	06/01/2007
ISLE OF KAUAI	198	109	307	06/01/2007
ISLE OF MAUI	160	101	261	05/01/2008
ISLE OF OAHU	177	106	283	05/01/2008
KEKAHA PACIFIC MISSILE RANGE FAC	198	109	307	06/01/2007
KILAUEA MILITARY CAMP	112	104	216	06/01/2007
LANAI	269	124	393	06/01/2008
LUALUALEI NAVAL MAGAZINE	177	106	283	05/01/2008
MCB HAWAII	177	106	283	05/01/2008
MOLOKAI	139	94	233	06/01/2008
NAS BARBERS POINT	177	106	283	05/01/2008
PEARL HARBOR	177	106	283	05/01/2008
SCHOFIELD BARRACKS	177	106	283	05/01/2008
WHEELER ARMY AIRFIELD	177	106	283	05/01/2008
[OTHER]	112	104	216	05/01/2008
MIDWAY ISLANDS				
MIDWAY ISLANDS				
INCL ALL MILITARY	125	45	170	07/01/2008
NORTHERN MARIANA ISLANDS				
ROTA	129	91	220	05/01/2006
SAIPAN	121	98	219	06/01/2007
TINIAN	138	71	209	07/01/2008
[OTHER]	55	72	127	04/01/2000
PUERTO RICO				
AGUADILLA	75	64	139	11/01/2007
BAYAMON	195	82	277	10/01/2007
CAROLINA	195	82	277	10/01/2007
CEIBA				
05/01 - 11/30	155	57	212	08/01/2006
12/01 - 04/30	185	57	242	08/01/2006
FAJARDO [INCL ROOSEVELT RDS NAVS				
05/01 - 11/30	155	57	212	08/01/2006
12/01 - 04/30	185	57	242	08/01/2006
FT. BUCHANAN [INCL GSA SVC CTR,	195	82	277	10/01/2007
HUMACAO				
05/01 - 11/30	155	57	212	08/01/2006
12/01 - 04/30	185	57	242	08/01/2006
LUIS MUNOZ MARIN IAP AGS	195	82	277	10/01/2007
LUQUILLO				
05/01 - 11/30	155	57	212	08/01/2006
12/01 - 04/30	185	57	242	08/01/2006
MAYAGUEZ	109	77	186	11/01/2007
PONCE	139	83	222	11/01/2007

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
SABANA SECA [INCL ALL MILITARY]	195	82	277	10/01/2007
SAN JUAN & NAV RES STA	195	82	277	10/01/2007
[OTHER]	62	57	119	01/01/2000
VIRGIN ISLANDS (U.S.)				
ST. CROIX				
04/15 - 12/14	135	92	227	05/01/2006
12/15 - 04/14	187	97	284	05/01/2006
ST. JOHN				
04/15 - 12/14	163	98	261	05/01/2006
12/15 - 04/14	220	104	324	05/01/2006
ST. THOMAS				
04/15 - 12/14	240	105	345	05/01/2006
12/15 - 04/14	299	111	410	05/01/2006
WAKE ISLAND				
WAKE ISLAND	152	12	164	07/01/2008

[FR Doc. E9–46 Filed 1–7–09; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF EDUCATION

[CFDA No. 84.330B]

Advanced Placement (AP) Test Fee Program

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education.

ACTION: Notice reopening the AP Test Fee fiscal year (FY) 2009 competition.

SUMMARY: On October 31, 2008, we published in the **Federal Register** (73 FR 64928) a notice inviting applications for the AP Test Fee FY 2009 competition. That notice established a December 15, 2008 deadline date for eligible applicants to apply for funding under this program.

In order to afford as many eligible applicants as possible an opportunity to receive funding under this program, we are reopening the AP Test Fee FY 2009 competition to eligible applicants that did not apply for funds by the December 15, 2008 deadline. An eligible applicant that submitted its application by the December 15, 2008 deadline does not need to re-submit its application. All information in the October 31, 2008 notice remains the same for this notice reopening the competition, except for the following updates to **DATES**.

Dates:

Applications Available: January 8, 2009.

Deadline for Transmittal of Applications: January 15, 2009.

Note: Applications for grants under this program must be submitted electronically using the Governmentwide Grants.gov Apply site at *http://www.grants.gov*. For information about how to submit your application electronically, please refer to *Electronic Submission of Applications* in the October 31, 2008 notice (73 FR 64929–64930). We encourage eligible applicants to submit their applications as soon as possible to avoid any problems with filing electronic applications on the last day.

Deadline for Intergovernmental Review: March 16, 2009.

FOR FURTHER INFORMATION CONTACT: Francisco Ramirez, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E224, Washington, DC 20202–6200. Telephone: (202) 260–1541 or by e-mail: *Francisco.Ramirez@ed.gov*.

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 notice in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the contact person listed in this section.

Electronic Access to This Document: You may view this document, as well as other Department of Education documents 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*.

Program Authority: 20 U.S.C. 6531–6537.

Dated: January 5, 2009.

Kerri L. Briggs,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. E9–130 Filed 1–7–09; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division,

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 February 9, 2009.

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, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

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: January 5, 2009.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Federal Student Aid

Type of Review: Revision.

Title: Student Assistance General Provisions—Subpart K—Cash Management.

Frequency: On Occasion.

Affected Public: Businesses or other for-profit; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 1,075,198.

Burden Hours: 976,924.

Abstract: These regulations comprise the existing provisions of the Student Assistance General Provisions guidance regarding cash management. Information collection under these regulations relates to cash management requirements and practices for institutions participating in the Title IV, Higher Education Act (HEA) programs. This request is for approval of reporting and recordkeeping requirements contained in the final regulations related to the administrative requirements of the Regulations Governing the Student Assistance General Provisions as revised by the TEACH Grant final regulations. The information collection requirements in these regulations are necessary to determine eligibility to receive program benefits and to prevent fraud and abuse of program funds.

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 3899. 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 the Internet address *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 *ICDocketMgr@ed.gov*. 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. E9–134 Filed 1–7–09; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2008–0881; FRL–8394–2]

Notice of Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the Agency's receipt of an initial filing of a pesticide petition proposing the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before February 9, 2009.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2008–0881 and the pesticide petition number (PP 8G7471), by one of the following methods:

• *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2008–0881 and the pesticide petition number (PP 8G7471). EPA's policy is that all comments received will be included in the docket without change and may be made available on-line 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 regulations.gov or e-mail. The regulations.gov website 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 regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the 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.

Docket: All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT:

Jeannine Kausch, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 347-8920; e-mail address: *kausch.jeannine@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice*. EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What Action is the Agency Taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or modification of regulations in 40 CFR part 174 or part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that the pesticide petition described in this notice contains data or information prescribed in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. Additional data may be needed before EPA can make a final determination on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this notice, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available on-line at *http://www.regulations.gov*.

As specified in FFDCA section 408(d)(3), (21 U.S.C. 346a(d)(3)), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

PP 8G7471. Pasteuria Bioscience, Incorporated, 12085 Research Dr., Ste. 185, Alachua, FL 32615 (submitted by MacIntosh and Associates, Incorporated, 1203 Hartford Avenue, Saint Paul, MN 55116–1622), proposes to establish a temporary exemption from the requirement of a tolerance for residues of the microbial nematicide, *Pasteuria usgae*, in or on strawberries. Because this petition is a request for a temporary exemption from the requirement of a tolerance without numerical limitations, no analytical method is required.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 29, 2008.

W. Michael McDavit,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. E9–120 Filed 1–7–09; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2880]

Petition for Reconsideration of Action in Rulemaking Proceeding

December 22, 2008.

A Petition for Reconsideration has been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room CY–B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). Oppositions to this petition must be filed by January 23, 2009. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: In the Matter of An Inquiry into the Commission's Policies and Rules Regarding AM Radio Service Directional Antenna Performance Verification (MM Docket No. 93–177).

Number of Petitions Filed: 1.

Marlene H. Dortch,

Secretary.

[FR Doc. E9–142 Filed 1–7–09; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:07 a.m. on Tuesday, January 6, 2009, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's resolution activities.

In calling the meeting, the Board determined, on motion of Director Thomas J. Curry (Appointive), seconded by Vice Chairman Martin J. Gruenberg, concurred in by Director John M. Reich (Director, Office of Thrift Supervision), Ms. Julie L. Williams, acting in the place and stead of Director John C. Dugan (Comptroller of the Currency), and Chairman Sheila C. Bair, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii) and (c)(9)(B) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: January 6, 2009.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. E9–274 Filed 1–6–09; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 2, 2009.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. Tower Bancorp, Inc., Greencastle, Pennsylvania, to merge with Graystone Financial Corporation Corp., Lancaster, Pennsylvania, and thereby indirectly acquire The First National Bank of Greencastle, Greencastle, Pennsylvania, and Graystone Bank, Lancaster, Pennsylvania.

B. Federal Reserve Bank of Chicago (Burl Thornton, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. City State Bancorporation, Inc., Central City, Iowa, to become a bank holding company by acquiring 51.3 percent of the voting shares of MSB Corporation, and thereby indirectly acquire voting shares of City State Bank, both of Central City, Iowa.

Board of Governors of the Federal Reserve System, January 5, 2009.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E9–00097 Filed 1–7–09; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–09–08BH]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC, or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

Health survey of former Marines, dependents, and employees potentially

exposed to contaminated drinking water at USMC Camp Lejeune—New—Agency for Toxic Substances and Disease Registry (ATSDR), Coordinating Center for Environmental Health and Injury Prevention (CCEHIP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

On January 28, 2008, President Bush signed H.R. 4986: National Defense Authorization Act for Fiscal Year 2008 which requires ATSDR to develop a health survey of individuals possibly exposed to contaminated drinking water at Camp Lejeune. The survey will collect personal health information that may provide a basis for further reliable scientific studies of potentially adverse health impacts of exposure to contaminated water at Camp Lejeune. The Act requires the survey to be developed within 120 days of enactment and to be conducted within one year of enactment.

Additionally, in 2005, a panel of independent scientists convened by ATSDR to explore opportunities for conducting additional health studies at Camp Lejeune recommended that the agency:

- Identify cohorts of individuals with potential exposure, including adults who lived on base; adults who resided off base, but worked on base; children who lived on base; and those who may have been exposed while in utero; and
- Conduct a feasibility assessment to address the issues involved in planning future studies of mortality, cancer incidence, and other health outcomes of interest at the base.

In response, ATSDR prepared a report on the feasibility of conducting future epidemiological studies at the base. ATSDR determined that available databases could be used to identify adults who lived at the base or civilians who worked at the base during the period when drinking water was contaminated with volatile organic compounds (VOCs).

In addition to questions on cancers, the health survey will include questions on non-fatal diseases that can be confirmed by medical records and are known or suspected of being associated with solvent exposures.

This project proposes to examine the relationship between medically confirmed cancers and trichloroethylene- (TCE) or perchloroethylene- (PCE) contaminated drinking water by mathematically modeling the exposure to contaminated drinking water while living or working at Camp Lejeune.

The relationship between the following non-fatal diseases that can be confirmed by medical records and TCE- or PCE-contaminated drinking water will also be examined: Parkinson's disease, kidney failure and other severe kidney diseases, severe liver diseases, lupus, aplastic anemia, TCE-related skin disorders, scleroderma, multiple sclerosis, motor neuron disease/amyotrophic lateral sclerosis, and infertility. In addition, the health survey will include questions on miscarriages occurring to women who were pregnant while residing or working on base.

The health survey will request information about the type of cancer or non-fatal, non-cancer disease, date of diagnosis, hospital of diagnosis, and doctor who diagnosed the disease to facilitate the acquisition of medical record confirmation. Because medical records are usually unavailable for miscarriages, the survey will not request information to facilitate medical record confirmation of this adverse outcome. For cancers, state of diagnosis will also be obtained to facilitate acquisition of cancer registry data. Self-reported cancers and other diseases will be confirmed by medical records or cancer registrations. To facilitate medical record confirmation, the participant will be asked to provide a copy of the medical record to ATSDR or to sign a medical records release form allowing ATSDR to gain access to the medical record. The survey will also collect information on residential history on base, occupational history, and information on several risk factors (*e.g.,* socio-economic status, demographics, smoking, alcohol consumption, etc.). A space will also be provided so that the respondent can report other disease conditions. The collected information will be used to assign exposure status and to assess potential confounding.

To improve the credibility of the study, it is necessary to include an external, unexposed comparison group, similar in all respects to the Marines and civilian workers at Camp Lejeune except for exposure to VOC-contaminated drinking water.

There are no costs to the respondents other than their time.

The estimated annualized burden hours are 58,012.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	No. of respondents	No. of responses per respondent	Average burden per response (in hours)
Former active duty marines and navy personnel—Camp Lejeune	45,500	1	45/60
Former civilian workers—Camp Lejeune	1,733	1	45/60
Former dependents (now all adults) and former Marines who were stationed at Camp Lejeune prior to 1975—Camp Lejeune	6,283	1	45/60
Former active duty marines and navy personnel—Camp Pendleton (comparison group)	10,833	1	45/60
Former civilian workers—Camp Pendleton (comparison group)	2,167	1	45/60
"Registered" group	10,833	1	45/60

Dated: January 2, 2009.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E9–95 Filed 1–7–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–09–09AK]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 and send comments to Maryam I. Daneshvar, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.*

Comments are invited 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) 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 through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Audience Analysis for Environmental Health Issues,—New—National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (NCEH/ATSDR), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The health effects associated with climate change include injuries and fatalities related to severe weather events and heat waves, infectious diseases related to changes in vector biology, water and food contamination, and respiratory illness due to increased allergen production. Despite these potentially devastating public health consequences, few in the general public connect climate change with health effects. In general, the majority of Americans associate climate change with nonhuman impacts and environmental problems rather than health effects. Most therefore focus their concern on the connection between climate change and plant and animal extinction rather than the impact on human health. Thus, it is not surprising that few in the general public are well prepared to deal with climate change health effects. The Centers for Disease Control and Prevention (CDC) is interested in developing communication materials to increase the public's awareness, knowledge and prepare for the potential health effects associated with climate change. To this end, focus groups will be conducted with members of a local California community to understand motivations and factors influencing target audience's decision process. There will also be an emphasis on the health effects, framing devices, and channels that might be most effective for disseminating public health messages and having them motivate the intended audiences. With that in hand it will be possible to identify the most valuable information and optimal strategies for communicating with target audiences.

Focus groups will be conducted with the residents of Santa Rosa, California. During phase one, three exploratory focus groups will be conducted to develop messaging strategies. Results from the exploratory focus groups will be used in the development of preliminary messaging strategies and draft materials. This material will be tested with the target audience during the second phase of research. The second phase will include three materials testing focus groups to determine which materials and messages are most attractive and compelling in terms of educating the public about health effects and promoting preparedness behaviors. Participants will be recruited via standard focus group recruitment methods. Most will come from an existing database (or list) of potential participants maintained by the focus group facility or recruited through local newspapers.

There is no cost to respondents.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	No. of respondents	No. of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Recruitment screener	108	1	5/60	9
Exploratory Focus Groups	27	1	2	54
Materials Testing Focus Groups	27	1	2	54
Total	162			117

Date: December 29, 2009.

Marilyn S. Radke,

Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E9–112 Filed 1–7–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Council for the Elimination of Tuberculosis Meeting (ACET)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned committee:

Times and Dates:

8:30 a.m.–5:30 p.m., March 3, 2009.

8:30 a.m.–2 p.m., March 4, 2009.

Place: Corporate Square, Building 8, 1st Floor Conference Room, Atlanta, Georgia 30333, telephone (404) 639–8317.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 100 people.

Purpose: This council advises and makes recommendations to the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the elimination of tuberculosis. Specifically, the Council makes recommendations regarding policies, strategies, objectives, and priorities; addresses the development and application of new technologies; and reviews the extent to which progress has been made toward eliminating tuberculosis.

Matters To Be Discussed: Agenda items include issues pertaining to comprehensive assessment of available TB laboratory services; National Institutes of Health and Centers for Disease Control and Prevention integrated TB research; aberration detection response using genotyping database for outbreaks and other related tuberculosis issues. Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Margie Scott-Cseh, Coordinating Center for Infectious Diseases, Strategic Business Unit, 1600 Clifton Road, NE., M/S E–07, Atlanta, Georgia 30333, telephone (404) 639–8317. The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: December 31, 2008.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9–88 Filed 1–7–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Injury Prevention and Control, (BSC, NCIPC)

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L.92–463), the Centers for Disease Control and Prevention (CDC) announces, the following meeting of the aforementioned committee:

Times and Dates:

10 a.m.–6:30 p.m., January 26, 2009.

8:30 a.m.–2:30 p.m., January 27, 2009.

Place: CDC, 4770 Buford Hwy., NE., Building 106, First Floor, Rooms 1A and 1B, Atlanta, Georgia 30341.

Status: Open: 10 a.m.–4:30 p.m., January 26, 2009.

Closed: 4:35 p.m.–6:30 p.m., January 26, 2009.

Open: 8:30 a.m.–2:30 p.m., January 27, 2009.

Purpose: The board makes recommendations regarding policies, strategies, objectives, and priorities, and reviews progress toward injury prevention goals and provides evidence in injury prevention-related research and programs. The board provides advice on the appropriate balance of intramural and extramural research, and provides advice on the structure, progress and performance of intramural programs. The board is also designed to provide guidance on extramural scientific program matters, including the: (1) Review of extramural research concepts for funding opportunity announcements; (2) conduct of secondary peer review of extramural research grants, cooperative agreements, and contracts applications received in response to the funding opportunity announcements as it relates to the Center's programmatic balance and mission; (3) submission of secondary review recommendations to the Center Director of applications to be considered for funding support; (4) review of research portfolios, and (5) review of program proposals. The board shall provide guidance on the National Center of Injury Prevention and Control's programs and research activities by conducting scientific peer review of intramural research and programs within the National Center for Injury Prevention and Control; by ensuring adherence to Office of Management and Budget requirements for intramural peer review; and by monitoring the overall direction, focus, and success of the National Center for Injury Prevention and Control.

Matters To Be Discussed: As this is the initial meeting of the Board of Scientific Counselors, they will receive an overview of the mission of the National Center for Injury Prevention and Control. The meeting will include the review, discussion, and evaluation of center grants received in response to one Fiscal Year 2009 FOA.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Dr. Gwen Cattledge, Ph.D., Executive Secretary, NCIPC, CDC, 4770 Buford Highway, NE., Mailstop F–63, Atlanta, Georgia 30341, Telephone (770) 488–4655.The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: December 24, 2008.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9–89 Filed 1–7–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Subcommittee for Dose Reconstruction Reviews (SDRR), Advisory Board on Radiation and Worker Health (ABRWH), National Institute for Occupational Safety and Health (NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting for the aforementioned subcommittee:

Time and Date: 9:30 a.m.–5 p.m., January 29, 2009.

Place: Cincinnati Airport Marriott, 2395 Progress Drive, Hebron, Kentucky 41018. Telephone (859) 334–4611, Fax (859) 334–4619.

Status: Open to the public, but without a public comment period. To access by conference call, dial the following information 1 (866) 659–0537, Participant Pass Code 9933701.

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines that have been promulgated by the Department of Health and Human Services (HHS) as a final rule; advice on methods of dose reconstruction which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC).

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, and will expire on August 3, 2009.

Purpose: The Advisory Board is charged with (a) Providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advise the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have

endangered the health of members of this class. The Subcommittee for Dose Reconstruction Reviews was established to aid the Advisory Board in carrying out its duty to advise the Secretary, HHS, on dose reconstruction.

Matters To Be Discussed: The agenda for the Subcommittee meeting includes: A discussion of cases under review from the 6th, 7th, and 8th sets of individual dose reconstructions; preparation of a letter report on the first 100 dose reconstruction cases reviewed; the selection of an 11th set of dose reconstructions for review; discussion of selection criteria and review rate for 2009; and an update on site-specific dose reconstruction guidelines.

The agenda is subject to change as priorities dictate.

In the event an individual cannot attend, written comments may be submitted. Any written comments received will be provided at the meeting and should be submitted to the contact person below well in advance of the meeting.

Contact Person for More Information: Theodore Katz, Executive Secretary, NIOSH, CDC, 1600 Clifton Road, Mailstop E–20, Atlanta, GA 30333, Telephone (513) 533–6800, Toll Free 1 (800) CDC–INFO, e-mail *ocas@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: December 31, 2008.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E9–90 Filed 1–7–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Mentoring Children of Prisoners Relationship Quality Survey.

OMB No.: 0970–0308.

Description: The Promoting Safe and Stable Families Amendments of 2001 (Pub. L. 107–133) amended Title IV–B of the Social Security Act (42 U.S.C. 629–629e) to provide funding for nonprofit agencies that recruit, screen, train, and support mentors for children with an incarcerated parent or parents. The Family and Youth Services Bureau (FYSB) of the Administration for Children and Families, United States Department of Health and Human Services, administers the Mentoring Children of Prisoners (MCP) program. The MCP program creates lasting, high-quality one-to-one mentoring relationships that provide young people with caring adult role models. The quality of these relationships is an important indicator of success in mentoring programs. Previous research has shown an association between high-quality mentoring relationships and positive changes in youth behavior associated with positive youth benefits, such as improved school attendance, reductions in risk behavior, and other benefits.

The Relationship Quality Instrument consists of 15 rigorously field-tested questions about the relationship, plus several questions that establish context (age, gender, duration of relationship and frequency of contacts, etc.). The answers to the questions help assess how satisfied the youth (mentee) is with the relationship; whether the mentee is happy in the relationship; whether the mentee trusts the mentor; and whether the mentor has helped the mentee to cope with problems. Researchers in the field of mentoring have tested and validated the questions.

FYSB requires grantees receiving funding to provide information that can be used to evaluate outcomes for participating children. FYSB will use the information provided by the instrument to assure effective service delivery and program management and to guide the development of national monitoring and technical assistance systems. Finally, FYSB will use data from this collection for reporting program outcomes to Congress in the FY 2006 Performance Report during the budget process and as the basis for outcome evaluation of the program over the long term.

Rhodes J., Reddy R., Roffman J., and Grossman J.B. (March 2005). Promoting Successful Youth Mentoring Relationships: A Preliminary Screening Questionnaire. The Journal of Primary Prevention, 26:2, 147–167.

Respondents: Public, community- and faith-based organizations receiving funding to implement the MCP program.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Relationship Quality Instrument for Mentoring Children of Prisoners Program	215	1	116	24,940

Estimated Total Annual Burden Hours: 24,940.

In compliance with the requirements of Section 506(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 Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *infocollection@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, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: January 5, 2009.

Janean Chambers,

Reports Clearance Officer.

[FR Doc. E9–96 Filed 1–7–09; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Extension to HS Transportation Requirement.

OMB No.: 0970–0260.

Description: The Office of Head Start is proposing to renew authority to collect information regarding the Head Start transportation requirement without changes. The transportation requirement provides the requirement that each child be seated in a child restraint system while the vehicle is in motion, and the requirement that each bus have at least one bus monitor on board at all times. Waivers would be granted when the Head Start or Early Head Start grantee demonstrates that compliance with the requirement(s) for which the waiver is being sought will result in a significant disruption to the Head Start program or the Early Head Start program and that waiving the requirement(s) is in the best interest of the children involved.

Respondents: Head Start and Early Head Start program grants recipients.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Form	1,670	1	1	1,670

Estimated Total Annual Burden Hours: 1,670.

In compliance with the requirements of Section 506(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 Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Attn:* ACF Reports Clearance Officer. *E-mail address: infocollection@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, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: January 5, 2009.

Janean Chambers,

Reports Clearance Officer.

[FR Doc. E9–98 Filed 1–7–09; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Cross-Site Evaluation of the Infant Adoption Awareness Training Program for Projects Initially Funded in Fiscal Year 2006–NEW.

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF), Childrens Bureau (CB), will conduct the Cross-Site Evaluation of the Infant Adoption Awareness Training Program (IAATP). Title XII, Subtitle A, of the Childrens Health Act of 2000 (CHA) authorizes the Department of Health and Human Services to make Infant Adoption Awareness Training grants available to national, regional, and local adoption organizations for the purposes of developing and implementing programs that train the staff of public and non-profit private health service organizations to provide adoption information and referrals to pregnant women on an equal basis with all other courses of action included in non-directive counseling of pregnant women. Participants in the training include individuals who provide pregnancy or adoption information and those who will provide such services after receiving the training, with Title X (relating to voluntary family planning projects), Section 330 (relating to community health centers, migrant health centers, and centers serving homeless individuals and residents of public housing), and CHA-funded school-based health centers, receiving priority to receive the training. A total of six organizations were awarded IAATP funding in 2006.

Section 1201(a)(2)(A) of the IAATP legislation requires grantees to develop and deliver trainings that are consistent with the Best Practice Guidelines for Infant Adoption Awareness Training. The IAATP guidelines address training goals, basic skills, curriculum and training structure. A complete description of the guidelines is available at *http://www.acf.hhs.gov/programs/cb/programs_fund/discretionary/iaatp.htm.*

In addition, grantees are required to conduct local evaluation of program outcomes and participate in the national evaluation of the extent to which IAATP training objectives are met. The Infant Adoption Awareness Training Program: Trainee Survey is the primary data collection instrument for the national cross-site evaluation. Respondents will complete the survey prior to receiving training and approximately 90 days after the training to assess the extent to which trainees demonstrate sustained gains in their knowledge about adoption, and to determine the impact of the training on their subsequent work with pregnant women.

1. Do health care workers who participate in the IAATP training: Demonstrate enhanced knowledge, attitudes, skills, and behaviors with respect to adoption counseling following completion of the program? Provide adoption information to pregnant women on an equal basis with other pregnancy planning options? Demonstrate enhanced awareness of community adoption-related resources and refer expectant mothers to them as needed?

2. Are trainees more confident about discussing all three pregnancy planning options (parenting, abortion, and adoption) in a non-directive counseling

style than they were prior to participating in the training? Cross-site evaluation data will be collected on an annual basis throughout the five-year funding period. Pre-test and follow-up versions of the survey are expected to require approximately 10 to 15 minutes to complete. Estimated response time for the follow-up survey includes time for respondents to access the Web-based survey, complete the survey online, and electronically submit the survey. Respondents will not need to implement a recordkeeping system or compile source data in order to complete the survey. Where possible, fields in the follow-up version of the survey will be pre-filled with static data from the respondents pre-test (*e.g.*, demographics, agency type) in order to further expedite completion of the survey and minimize respondent burden.

Respondents: Infant Adoption Awareness Program Trainees.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
IAATP: Trainee Survey Pre-Test Administration	1,200	1	0.15	180
IAATP: Trainee Survey Follow-Up Administration	1,200	1	0.10	120

Estimated Total Annual Burden Hours: 300.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov*.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–6974, Attn: Desk Officer for the Administration for Children and Families.

Dated: October 1, 2008.

Janean Chambers,

Reports Clearance Officer.

Editorial Note: This document was received at the Office of the Federal Register on January 5, 2009.

[FR Doc. E9–100 Filed 1–7–09; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2005–N–0464] (formerly Docket No. 2005N–0403)

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Draft Guidance for Industry on Providing Regulatory Submissions in Electronic Format—Drug Establishment Registration and Drug Listing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by February 9, 2009.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–6974, or e-mailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910–0045. Also include the FDA docket number found in brackets in the heading of this document.

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 compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Draft Guidance for Industry on Providing Regulatory Submissions in Electronic Format—Drug Establishment Registration and Drug Listing; Availability; Registration of Producers of Drugs and Listing of Drugs in Commercial Distribution—(OMB Control Number 0910–0045—Amendment)

Description of Respondents: Respondents to this collection of information are foreign and domestic owners and operators of establishments that engage in the manufacture, preparation, propagation, compounding, or processing (which includes, among other things, repackaging and relabeling) of a drug or drugs[1] and that are not exempt under section 510(g) of the Federal Food, Drug, and Cosmetic Act (the act) or subpart B of part 207 (21 CFR part 207) (registrants).

A. Reporting Burden

The draft guidance describes how to electronically create and submit Structured Product Labeling (SPL) files using defined code sets and codes for establishment registration and drug listing information (including labeling). Most information is already required to be submitted under section 510 of the act, section 351 of the Public Health Service Act, and part 207.

Drug establishment registration and drug listing information and updates to such information, required under part 207, and certain additional recommended information are currently submitted in paper form using Form FDA 2656 (Registration of Drug

[1] Means both human, including biological products, and animal drugs.

Establishment/Labeler Code Assignment), Form FDA 2657 (Drug Product Listing), and Form FDA 2658 (Registered Establishments Report of Private Label Distributors) (collectively referred to as FDA Forms; 72 FR 67733, November 30, 2007).

In addition to the information collected by the FDA Forms (72 FR 67733, November 30, 2007), the draft guidance addresses electronic submission of other required information as follows:

- For registered foreign drug establishments, the name, address, and telephone number of its U.S. agent (§ 207.40(c));
- The name of each importer that is known to the establishment (the U.S. company or individual in the United States that is an owner, consignee, or recipient of the foreign establishment's drug that is imported into the United States. An importer does not include the consumer or patient who ultimately purchases, receives, or is administered the drug, unless the foreign establishment ships the drug directly to the consumer or the patient) (section 510(i)(1)(A) of the act); and
- The name of each person who imports or offers for import (the name of each agent, broker, or other entity, other than a carrier, that the foreign drug establishment uses to facilitate the import of their drug into the United States) (section 510(i)(1)(A) of the act).

FDA also is recommending the voluntary submission of the following additional information, when applicable:

- To facilitate correspondence between foreign establishments and FDA, the e-mail address for the U.S. agent, and the telephone number(s) and e-mail address for the importer and person who imports or offers for import their drug;
- A site-specific D-U-N-S® Number[2] for each entity (e.g., the registrant, establishments, U.S. agent, importer);
- The National Drug Code product code for the source drug that is repacked or relabeled;
- Distinctive characteristics of certain listed drugs, i.e., the flavor, the color, and image of the actual solid dosage form; and
- Registrants may indicate that they view as confidential the registrant's business relationship with an establishment, or an inactive ingredient.

In addition to the collection of information, there is additional burden for the following activities:

- Preparing a standard operating procedure (SOP) for the electronic submission of drug establishment registration and drug listing information;
- Creating the SPL file, including accessing and reviewing the technical specifications and instructional documents provided by FDA (accessible at *http://www.fda.gov/oc/datacouncil/spl.html*);
- Reviewing and selecting appropriate terms and codes used to create the SPL file (accessible at *http://www.fda.gov/oc/datacouncil/spl.html*);
- Obtaining the digital certificate used with FDA's electronic submission gateway (ESG) and uploading the SPL file for submission (accessible at *http://www.fda.gov/esg/default.htm*); and
- Requests for waivers from the electronic submission process as described in the draft guidance.

B. Burden Estimates

Reporting Burden—The estimates for the number of respondents, annual frequency per response, and total annual responses indicated in table 1 of this document are based on our current estimates of the number of registrants and the number of submissions using the FDA Forms (OMB Control No. 0910–0045). FDA estimates that it would take an additional 2 hours per response (in addition to the estimated 2.5 hours per response for registering, labeler code requests, listing, and providing updates to the information approved under OMB Control No. 0910–0045) for the collection of information not currently submitted using the FDA Forms, and to create and upload the SPL file. FDA anticipates that the hours per response will decrease over time due to the flexibility of submitting information for registering multiple establishments or listing multiple drugs in one SPL file instead of submitting individual FDA Forms, and increasing familiarity with the use of the standards and code sets and codes for creating the SPL file.

In certain cases, if it is unreasonable to expect a person to submit registration and listing information electronically, FDA may grant a waiver from the electronic format requirement. Because registrants will only need a computer and access to the Internet, FDA envisions few instances in which electronic submission of registration and listing information will not be reasonable for the person requesting the waiver and, thus, is estimating that FDA would grant one waiver annually. We estimate that a one-time burden for requesting a waiver would be an hour of time for a mid-level manager to draft, approve, and mail a letter.

Recordkeeping Burden—In table 2 of this document, FDA estimates that 3,295 (39 + 3,256) respondents would expend a one-time burden of approximately 40 hours in preparing, reviewing, and approving an SOP for creating and uploading the SPL file; and an estimated 1 hour annually to maintain the SOP as needed.

In the **Federal Register** of July 11, 2008 (73 FR 39964), FDA published a notice of availability of the draft guidance document providing a 60-day public comment period on the information collection provisions. Nineteen comments were received of which four remarked on the information collection. Thereafter, in the **Federal Register** of October 23, 2008 (73 FR 63158), FDA published a 30-day notice responding to the comments submitted on the proposed collection of information and announced that the proposed collection of information had been submitted to OMB. In response to a request by OMB, FDA is republishing the 30-day notice responding to comments and announcing the submission of the proposed collection of information to OMB.

(Comment 1) On the topic whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have a practical utility, one comment agreed that the proposed collection of information is necessary for us to perform its functions and is consistent with the provisions of the Food and Drug Administration Amendments Act of 2007 (Public Law 110–85). The comment continued to say that the information is also necessary to support the transition from paper format to electronic format, and that the additional information requested by us is logical and reasonable and is not an undue burden.

(Response) We appreciate the support and concurrence of the comment.

(Comment 2) On the topic whether the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used, one comment stated that we underestimated the effort to prepare, review, approve, implement and maintain internal SOPs for electronic submission of drug establishment registration and drug listing information because of the following reason. Particularly for most large companies, drug establishment registration and drug listing information (currently submitted in paper format under 21 CFR 207.22)

[2] D&B® D-U-N-S® Number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of over 100 million businesses worldwide. Submitting the site-specific D-U-N-S® Number for an entity would provide by reference to the number certain business information for that entity, e.g., address, parentage.

and content of labeling (currently submitted in electronic format under 21 CFR 314.50(l)(1)(i)) are handled by completely different functional experts and/or departments in the companies. To coordinate these processes, additional time is needed to define new procedures and interactions that cross functional departments and possibly international groups. Therefore, large companies will expend more than 40 hours to prepare, review, approve, implement and maintain SOPs.

Another comment asserts that the hours per response in table 1 are underestimated if the estimate accounts for the time required to become familiar with the Structured Product Labeling (SPL) standard.

(Response) In estimating hours per record in table 2 of this document, we considered the various sizes of entities affected and proposed an average number of hours per activity. For example, the estimated 40 hours per record are based on smaller entities requiring approximately 20 hours per record and larger entities requiring approximately 60 hours per record. Therefore, because the comment did not provide a revised estimate, we are maintaining an estimate of 40 hours per record, which is consistent with preparing SOPs for paper format submissions and also includes coordination efforts.

Regarding the comment on underestimating the hours per response in table 1, the software designed to create the SPL files, the step-by-step instructions in the technical guides, and our technical assistance email address are provided by us for the purpose of minimizing the need to learn the SPL standard before submitting information electronically.

In this document, we are correcting an error in table 1 under the hours per response column. Although the written description of the burden added 2 hours to the existing 2.5 hours approved by OMB under Control Number 0910–0045 (for a total of 4.5 hours), 4.5 hours was not correctly reproduced in table 1. The total hours column is also adjusted to reflect this correction.

(Comment 3) On the topic of ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology, one comment encouraged us to continue the availability of Xforms at no cost for industry to use as a software tool for the creation of SPL. The comment also requested that we continue this practice as technology evolves and provide support for this tool.

(Response) We appreciate the encouragement of the comment and will consider the request to continue the practice and provide support as technology evolves.

(Comment 4) Two comments did not agree with our statement that there are no capital or operating and maintenance costs associated with the collection of information. The comments explained that some companies may choose alternative tools to the Xform software or work with external conversion providers, which may involve the purchase and maintenance of software plus the use of internal information technology personnel for installation, configuration and maintenance. These comments further stated that these costs are significant and need to be considered in the overall cost for industry to comply with the electronic submission requirement.

(Response) As the comments stated, companies may choose to use alternative tools or work with external conversion providers. We do not disagree. However, we have made every effort to eliminate costs to industry to comply with the statutory requirement to electronically submit drug establishment registration and drug listing information.

We also received comments that were specifically related to the technical documents referenced in the draft guidance. Although these comments are not directly related to the draft guidance document that contains the information collection, we will consider the comments when reviewing the technical documents for revision.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Activity	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
New registrations, including new labeler code requests	39	14.72	574	4.5	2,583
Annual updates of registration information	3,256	2.99	9,735	4.5	43,807.5
New drug listings	1,567	6.57	10,295	4.5	46,327.5
New listings for private label distributors	146	10.06	1,469	4.5	6,610.5
June and December updates of all drug listing information	1,677	11.21	18,799	4.5	84,595.5
Waiver requests	1	1	1	1	1
Total					183,924

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

Activity	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Record	Total Hours
One-time preparation of SOP	3,295	1	3,295	40	131,800

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]—Continued

Activity	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Record	Total Hours
SOP maintenance	3,295	1	3,295	1	3,295
Total					135,095

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

C. Costs Associated With Electronic Submission

There are no capital costs or operating and maintenance costs associated with the transition from paper to electronic submissions. To create an SPL file and submit it to FDA, a registrant would need the following tools: A computer, appropriate software, access to the Internet, knowledge of terminology and standards, and access to FDA's ESG.

Registrants (and most individuals) have computers and Internet access available for their use. If a business does not have an available computer or access to the Internet, free use of computers and Internet are usually available at public facilities, e.g., a community library; or they may request a waiver from submitting the information electronically. Software is necessary to create a ''document.'' The SPL file or ''document'' may be created internally by a business with experience with SPL, or a business may use a user-friendly software (XForms)[3] available at no cost for industry use. In addition to the software, FDA also provides technical assistance, and other resources, code sets and codes, and data standards regarding SPL files.[4]

Once the SPL file is created, the registrant would upload the file through the ESG. A digital certificate is needed to use the ESG. The digital certificate binds together the owner's name and a pair of electronic keys (a public key and a private key) that can be used to encrypt and sign documents. However, a small fee of up to $20.00 is charged for the digital certificate and the registrant may need to renew the certificate not less than annually. FDA is not calculating this small fee as cost of doing business because it is less than or equal to the biannual courier costs the registrant incurs for paper submissions.

[3] See *http://www.fda.gov/oc/datacouncil/xforms.html.*

[4] See http://www.fda.gov/oc/datacouncil/spl.html.

Dated: December 22, 2008.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E9–108 Filed 1–7–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

[Funding Announcement Number: HHS–2009–IHS–NIHB–0001]

Office of Tribal Program; Announcement Type: Competing Continuation

Catalog of Federal Domestic Assistance Numbers (s): 93.933

Key Dates: Application Deadline Date: January 9, 2009

Review Date: January 16, 2009

Results Notification: January 21, 2009

Earliest Anticipated Start Date: February 1, 2009

I. Funding Opportunity Description

Authority: The Indian Health Service (IHS) announces that a Single Source cooperative agreement is open for receipt of an application from the National Indian Health Board. This program is authorized under Public Health Service Act, 42 U.S.C. 301. This program is described at 93.933 in the Catalog of Federal Domestic Assistance (CFDA). Purpose: The Office of Tribal Programs (OTP) has designated funds for the Single Source National Indian Health Board (NIHB) to further health program objectives in the American Indian/Alaska Native (AI/AN) community with outreach and education efforts in the interest of improving Indian health care. The NIHB is the only national Indian organization with expertise on the variety of issues related to the provision of health care to Indian people.

The NIHB represents all 562–Federally recognized tribes: including Tribal governments operating their own health care delivery systems through self-determination agreements with the IHS and tribes that continue to receive health care directly from the IHS. The NIHB is governed by twelve elected Tribal Government Officials who represent each of the twelve IHS Areas and the HHS regions where Federally recognized Tribes exist. The NIHB is the only national organization with an expertise in health policy and health programs, and the only national organization with the designated authority to represent all AI/AN tribes and villages. The NIHB has a national constituency and clearly supports critical services and activities within the IHS mission of quality health care for AI/AN people. The NIHB provides policy analysis and development, program assessment and development, regional and national meeting coordination, consultation and health care advocacy to IHS and HHS based on tribal input through a broad based consumer network. Furthermore, the NIHB also provides planning and technical assistance to Tribes, Area Health Boards, and other Tribal organizations through the cooperative agreement with the IHS.

II. Award Information

Type of Award: Cooperative Agreement. A cooperative agreement will be awarded as the OTP staff will have substantial programmatic involvement with the recipient in carrying out the project as noted in the following delineated roles of involvement to further IHS' health program objectives in the AI/AN community with outreach and education efforts in the interest of improving Indian health care.

Cooperative Agreement—Involvement of Parties

This project is a cooperative agreement between the IHS and the NIHB.

Selected entity is responsible for the following:

1. To provide technical advice in the area of health care policy analysis and program development on which IHS needs to take action;

2. To provide consultation that is representative of all Tribal governments in the area of health care policy analysis and program development;

3. To assure that health care advocacy is based on Tribal input through a broad based consumer network involving the Area Indian Health Boards or Health

Board Representatives from each of the twelve IHS areas;

4. To provide an opportunity for Tribal Government officials to share their concerns, challenges, and recommendations for improving health care delivery through the IHS in forums designed to provide training, technical assistance, and appropriate policy discussions; and

5. To provide periodic dissemination of health care information, including publication of a newsletter.

Programmatic Involvement of the IHS Staff

1. IHS staff will review articles concerning the Agency for accuracy and may, as requested by the NIHB, provide relevant articles.

2. IHS staff will have input over the hiring of key personnel as defined by regulation or provision in the cooperative agreement.

3. IHS will provide technical assistance to the NIHB as requested and attend and participate in all the NIHB meetings.

4. IHS staff may, at the request of the NIHB, participate on study groups and may recommend topics for analysis and discussion.

Estimated Funds Available: The estimated total amount that is available to support the two year program is $1,616,374. Fiscal year (FY) 2009 is estimated at: $808,187, which may vary, based on Tribal shares assumptions; $100,000 associated with providing legislative education, outreach and communications support to the IHS Tribal Leaders Diabetes Committee and to facilitate Tribal consultation on Special Diabetes Program for Indians; $150,000 to support the IHS Just Move-It health promotion and disease prevention initiative with Tribes; $250,000 to support the IHS Behavioral Health program in its suicide prevention and methamphetamine initiative. The second year (FY) 2010 award will be issued for an estimated total award of $808,187. Non-competing continuation awards for the remainder of the project are also subject to the availability of funds.

The estimated total amount that is available to support the two year program is $1,616,374 and is subject to the availability of funds. Fiscal year (FY) 2009 is estimated at $808,187 total costs which may vary based on tribal shares assumption. The second year (FY) 2010 award will be issued for an estimated total of $808,187 total costs. Non-competing continuation awards for the remainder of the project are also subject to the availability of funds.

Anticipated Number of Awards: One Single Source award will be issued to the NIHB Program.

Project Period: Twenty-Three months. The initial budget period will cover 11 months commencing on February 1, 2009 through December 31, 2009 and the second budget period will run from January 1,2010 through December 31, 2010.

Award Amount: Estimated $808,187, per year as described above.

III. Eligibility Information

1. Eligibility is limited to the NIHB based on the single source justification provided under Section I. Funding Opportunity Description.

2. This is a Single Source announcement. The funding level noted includes both direct and indirect costs. Applicant's budget may not exceed the maximum funding level described above per budget period.

3. Proof of non-profit status required: 501c(3) Non-Profit certification.

4. Cost Sharing or Matching—The NIHB Program does not require matching funds or cost sharing.

5. Other Requirements—

• If the application budget exceeds the stated dollar amount that is outlined within this announcement, it will not be considered for funding.

• Please refer to section IV., Item 6, ''Funding Restrictions,'' for further information regarding ineligible activities.

IV. Application and Submission Information

1. Application package may be found on the Grants.gov Web site: *http://www.grants.gov* or at: *http://www.ihs.gov/NonMedicalPrograms/gogp/gogp_funding.asp*. Detailed application instructions for this announcement are downloadable from the Grants.gov Web site.

2. *IHS Contacts:*

Programmatic Concerns

Mr. Ronald B. Demaray, Acting Director, Office of Tribal Programs, Indian Health Service, 801 Thompson Avenue, Suite 220, Rockville, Maryland 20852. Contact Information: (301) 443–1104 (Telephone) (301) 443–4666 (Fax) and E-Mail Address: *Ronald.Demaray@IHS.GOV.*

Business Concerns

Ms. Sylvia Ryan, Grants Management Specialist, Division of Grants Operations, Indian Health Service, 801 Thompson Avenue, IMP 360, Rockville, Maryland 20852. Contact Information: (301) 443–5204 (Telephone), (301) 443–9602 (Fax), and E-Mail Address: *Sylvia.Ryan@IHS.GOV.*

Note: The Division of Grants Operations is the official receipt point for grant applications (electronic and paper).

Grants.gov Agency Contact

Information regarding the electronic grants.gov process, issues, and waivers waiving the electronic process may be obtained from the following person:

Ms. Michelle G. Bulls, Chief Grants Management Officer, Director, Division of Grants Policy, Indian Health Service, 801 Thompson Avenue, TMP 625, Rockville, Maryland 20852. Contact information: (301) 443–6528 (Telephone) and E-Mail Address: *Michelle.Bulls@IHS.GOV.*

Paper Applications (only allowed under approved waivers): NIHB must obtain prior approval to submit a paper application. Please use the following link to obtain the necessary forms for paper submissions:

Forms

• SF–424 Application for Federal Assistance [POFI].

• SF–424A Budget Information/Non-construction Programs [PDF].

• PHS 5161 Form [PDFI; Certification forms (see pages 17–19 of the PHS 5161) checklist pages (see pages 25–26).

• SF–424B Non-construction Programs [PDFJ].

• Disclosure of Lobbying Activities Form [PDF].

• Certification Regarding Lobbying.

• Debarment Certification (Primary).

• Drug-free Certification.

• Environmental Tobacco Smoke.

• Maintenance of Effort Certification.

Please mail the original application and two copies to: The Division of Grants Operations; 801 Thompson Avenue, TMP 360; Rockville, Maryland 20852. Please send it to the attention of the grants management contact that is listed above.

3. *Content and Form of Narrative Submission:*

• Abstract (one page) summarizing the project.

• Introduction and Need for Assistance.

• Project Objective(s), Approach and Results and Benefits.

• Project Evaluation.

• Organizational Capabilities and Qualifications.

• Be typewritten and single spaced.

• Use black type not smaller than 12 characters per one inch.

• Margins must not be less than one inch.

• Have consecutively numbered pages.

• Contain a narrative that does not exceed 14 typed pages that includes the other submission requirements below.

The 14-page narrative does not include the abstract, the work plan, standard forms, 501 c(3) Non-Profit Statement, table of contents, budget, budget justifications, multi-year narratives, multi-year budget, multi-year budget justification, and/or other appendix items.

Public Policy Requirements: All Federal-wide public policies apply to IHS grants with exception of the Lobbying and Discrimination policy.

4. *Submission Dates and Times:* The application must be submitted electronically through Grants.gov by 12:00 midnight Eastern Standard Time (EST) on Friday, January 9, 2009. NOTE: The application package is posted in Adobe vs. PureEdge Forms. In addition, Grants.gov currently utilizes a Microsoft Office Word 2003 software version. Entities utilizing other than Microsoft Office Word 2003 software version must make arrangements to accommodate this situation. If technical challenges arise and the applicant is unable to successfully complete the electronic application process, the applicant must contact Michelle G. Bulls, Division of Grants Policy, fifteen days prior to the application deadline and inform her of the difficulties that the organization is experiencing. The grantee must obtain prior approval, in writing (e-mail requests are acceptable), allowing the paper submission. If submission of a paper application is requested and approved, the manually signed original and two copies of the application must be sent to the appropriate grants person listed in Section IV.2. above. Unsigned paper applications will not be accepted and will be returned to the applicant. Applications not submitted through Grants.gov, without an approved waiver, will be returned to the applicant without review or consideration. Late applications will not be accepted for processing, will be returned to the applicant, and will not be considered for funding.

5. *Intergovernmental Review:* Executive Order 12372 requiring intergovernmental review is not applicable to this program.

6. *Funding Restrictions:* Pre-award costs are allowable. In accordance with 45 CFR Part 74 all pre-award costs are incurred at the recipient's risk. The awarding office is under no obligation to reimburse such costs if for any reason the applicant does not receive an award or if the award to the recipient is less than anticipated.

- Only one Single Source cooperative agreement will be awarded.
- IHS will not acknowledge receipt of the application.
- An unsigned paper application is not acceptable; therefore, it will not be reviewed and will be returned.

7. *Other Submission Requirements:*

Electronic Submission—The preferred method for receipt of applications is electronic submission through Grants.gov. However, should any technical challenges arise regarding the submission, please contact Grants.gov Customer Support at 1–800–518–4726 or *support@grants.gov.* The Contact Center hours of operation are Monday-Friday from 7:00 a.m. to 9:00 p.m. EST. If you require additional assistance please call (301) 443–6290 and identify the need for assistance regarding your Grants.gov application. Your call will be transferred to the appropriate grants staff member. The applicant must seek assistance at least fifteen days prior to the application deadline. An applicant that does not adhere to the timelines for Central Contractor Registry (CCR) and/or Grants.gov registration and/or requesting timely assistance with technical issues will not be a candidate for receiving a waiver approval to submit a paper application.

To submit an application electronically, please use the *http://www.Grants.gov* apply site. Download a copy of the application package from the Grants.gov Web site, complete it offline and then upload and submit the application via the Grants.gov site. You may not e-mail an electronic copy of a grant application to IHS.

Please be reminded of the following:

- The preferred application receipt process is Grants.gov. The paper process is not the preferred method. However, if you have technical problems submitting your application on-line, please contact directly Grants.gov Customer Support at: *http://www.grants.gov/CustomerSupport.*
- Upon contacting Grants.gov, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved.
- If it is determined that a formal waiver is necessary, the applicant must submit a request, in writing (e-mails are acceptable), to *Michelle.Bulls@ihs.gov* that includes a justification for the need to deviate from the standard electronic submission process. Upon receipt of the waiver approval, a hard-copy application package must be downloaded by the applicant from Grants.gov, completed, manually signed, and sent directly to the Division of Grants Operations (DGO), 801 Thompson Avenue, TMP 360; Rockville, MD 20852 by the due date, Friday, January 9, 2009.
- Upon entering the Grants.gov site, there is information available that outlines the requirements to the applicant regarding electronic submission of an application through Grants.gov, as well as the hours of operation. Applicants are strongly encouraged to not wait until the deadline date to begin the application process through Grants.gov as the registration process for CCR and Grants.gov could take up to fifteen working days.
- To use Grants.gov, an applicant, must have a Data Universal Numbering System (DTJNS) Number that is also registered in the CCR allowing a minimum often days working days to complete CCR registration.
- All documents must be submitted electronically, including all relevant information on the SF–424 and all necessary assurances and certifications.
- Please use the optional attachment feature in Grants.gov to attach additional documentation that may be requested by IHS such as Memorandum of Agreements (MOAs) with Area Local Health Boards as well as national affiliations with organizations, *e.g.*, National Congress of American Indians (NCAI), etc.
- The application must comply with the 14-page limitation requirements described in the program announcement.
- After you electronically submit your application, you will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The IHS DGO will retrieve your application from Grants.gov. The DGO will not notify applicants that the application has been received.
- You may access the electronic application package which includes the synopsis for this program on: *http://www.Grants.gov* or the full announcement on: *http://www.ihs.gov/NonMedicalPrograms/gogp/index.cfm?module=gogp_funding.*
- You may search for the downloadable application package utilizing Grants.gov FIND to search for the CFDA number 93.933.
- The applicant must provide the Funding Opportunity Number: HHS–2009–IHS–NIHB–0001.

E-mail applications will not be accepted under this announcement.

DUNS Number

Applicants are required to have a DUNS number to apply for a grant or cooperative agreement from the Federal Government. The DUNS number is a nine-digit identification number, which uniquely identifies business entities.

Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access Dun and Bradstreet at the following Web site: *http://www.dunandbradstreet.com* or call 1–866–705–5711. Interested parties may wish to obtain their DUNS number by phone to expedite the process.

Applicants must also be registered with the CCR. A DUNS number is required before CCR registration can be completed. Many organizations may already have a DUNS number. Please use the telephone number listed above to investigate whether or not your organization has a DUNS number. Registration with the CCR is free of charge.

Applicants may register by calling 1–888–227–2423. Please review and complete the CCR Registration Worksheet located at *http://www.grants.gov/CCRRegister.*

More detailed information regarding these registration processes can be found at *http://www.grants.gov.*

V. Application Review Information

The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each section are noted in parentheses. The 14-page narrative should include only the first year of activities; information for multi-year projects should be included as an appendix. *See* ''MULTI-YEAR PROJECT REQUIREMENTS'' at the end of this section for more information.

1. Narrative

A. Abstract—one page summary.
B. Criteria

Introduction and Need for Assistance (20 points)

(1) Describe the organization's current health, education and technical assistance operations as related to the broad spectrum of health needs of the AI/AN community. Include authorized delegation of authority, *i.e.*, memorandum of agreement from a national organization representative of all AI/ANs (such as NCAI) authorizing entity to act in the health care advocacy role for all AllAN communities. Include what programs and services are currently provided (*i.e.*, Federally funded, State funded, etc.), any memorandums of agreement with other National, Area or Local Indian Health Board organizations, HHS agencies that rely on the applicant as the primary gateway organization that is capable of providing the dissemination of health information, information regarding technologies currently used (*i.e.*, hardware, software, services, etc.), and identify the source(s) of technical support for those technologies (*i.e.*, in-house staff, contractors, vendors, etc.). Include information regarding how long the applicant has been operating and its length of association/partnerships with Area Health Boards, etc. [historical collaboration].

(2) Describe the organization's current technical assistance ability. Include what programs and services are currently provided, programs and services projected to be provided, memorandums of agreement with other National Indian organizations such as NCAI that deem the applicant as the primary source of information for AI/AN, memorandums of agreement with other Area Indian Health Boards, etc.

(3) Describe the population to be served by the proposed project. Include a description of the number of Tribes who currently benefit from the technical assistance provided by the applicant.

(4) Describe the geographic location of the proposed project including any geographic barriers experienced by the recipients of the technical assistance to the health care information provided.

(5) Identify all previous IRS Single Source cooperative agreement awards received including dates of funding and summaries of the project's accomplishments. State how previous IHS Single Source cooperative agreement funds facilitated education, training, and technical assistance nation-wide and relate the progression of health care information delivery and development relative to the current proposed project. (Copies of reports will not be accepted.)

(6) Describe collaborative and supportive efforts with National, Area and Local Indian Health Boards.

(7) Describe budget consultation efforts undertaken on behalf of Tribes, Tribal organizations and urban organization and the benefits and outcomes derived as a result of these consultations. What changed for the AI/AN community?

(8) Explain the reason for your proposed project by identifying specific gaps or weaknesses in services or infrastructure that will be addressed by the proposed project. Explain how these gaps/weaknesses were discovered. If the proposed project includes information technology (*i.e.*, hardware, software, etc.), provide further information regarding measures taken or to be taken that ensure the proposed project will not create other gaps in services or infrastructure (*i.e.*, IHS interface capability, GPRA reporting requirements, contract reporting requirements, Information Technology (IT) compatibility, etc.), if applicable.

(9) Describe the effect of the proposed project on current programs (*i.e.*, Federally-funded, State funded, etc.) and, if applicable, on current equipment (*i.e.*, hardware, software, services, etc.). Include the effect of the proposed project on planned/anticipated programs and/or equipment.

(10) Describe how the project relates to the purpose of the cooperative agreement by addressing the following: Identify how the proposed project will address NIHB education, budget consultation, health data dissemination, training, and technical assistance.

Project Objective(s), Workplan and Consultants (40 points)

A. Identify the proposed project objective(s) addressing the following:

- Measurable and (if applicable) quantifiable.
- Results oriented.
- Time-limited.

Example: Issue four quarterly newsletters, provide NIHB alerts and quantify number of contacts with Tribes annually.

B. Address how the proposed project will result in change or improvement in program operations or processes for each proposed project objective. Also address what tangible products, if any, are expected from the project, (*i.e.* legislative analysis, policy analysis, Annual Conference, Summits, etc.)

C. Address the extent to which the proposed project will build the organization's capacity to provide, improve, or expand services that address the need(s) of the target population. Include a strategic plan and business plan currently in place that are being used. Include the plan(s) with the application submission.

D. Submit a workplan in the appendix which includes the following information:

- Provide the action steps on a timeline for accomplishing the proposed project objective(s).
- Identify who will perform the action steps.
- Identify who will supervise the action steps taken.
- Identify what tangible products will be produced during and the end of the proposed project objective(s).
- Identify who will accept and/or approve work products during the duration of the proposed project and at the end of the proposed project.
- Include any training that will take place during the proposed project and who will be attending the training.
- Include evaluation activities planned.

E. If consultants or contractors will be used during the proposed project, please include the following information in their scope of work (or note if consultants/contractors will not be used):

- Educational requirements.
- Desired qualifications and work experience.
- Expected work products to be delivered on a timeline.

If a potential consultant/contractor has already been identified, please include a resume in the Appendix.

F. Describe what updates will be required for the continued success of the proposed project. Include when these updates are anticipated and where funds will come from to conduct the update and/or maintenance.

Project Evaluation (15 points)

Each proposed objective requires an evaluation component to assess its progression and ensure its completion. Also, include the evaluation activities in the work-plan.

Describe the proposed plan to evaluate both outcomes and process. Outcome evaluation relates to the results identified in the objectives, and process evaluation relates to the work-plan and activities of the project.

A. For outcome evaluation, describe:

- What the criteria will be for determining success of each objective.
- What data will be collected to determine whether the objective was met.
- At what intervals will data be collected.
- Who will collect the data and their qualifications.
- How the data will be analyzed.
- How the results will be used.

B. For process evaluation, describe:

- How the project will be monitored and assessed for potential problems and needed quality improvements.
- Who will be responsible for monitoring and managing project improvements based on results of ongoing process improvements and their qualifications.
- How ongoing monitoring will be used to improve the project.
- Any products, such as manuals or policies, that might be developed and how they might lend themselves to replication by others.
- How the project will document what is learned throughout the project period.

C. Describe any evaluation efforts that are planned to occur after the grant period ends.

D. Describe the ultimate benefit for the AL/AN that will be derived from this project.

Organizational Capabilities and Qualifications (15 points)

A. Describe the organizational structure of the organization beyond health care activities, if applicable.

B. Describe the ability of the organization to manage the proposed project. Include information regarding similarly sized projects in scope and financial assistance as well as other cooperative agreements/grants and projects successfully completed.

C. Describe what equipment (*i.e.*, fax machine, phone, computer, etc.) and facility space (*i.e.*, office space) will be available for use during the proposed project. Include information about any equipment not currently available that will be purchased through the cooperative agreement/grant.

D. List key personnel who will work on the project. Include title used in the work-plan. In the appendix, include position descriptions and resumes for all key personnel. Position descriptions should clearly describe each position and duties, indicating desired qualifications and experience requirements related to the proposed project. Resumes must indicate that the proposed staff member is qualified to carry out the proposed project activities. If a position is to be filled, indicate that information on the proposed position description.

Categorical Budget and Budget Justification (10 points)

A. Provide a categorical budget for each of the 12-month budget periods requested.

B. If indirect costs are claimed, indicate and apply the current negotiated rate to the budget. Include a copy of the rate agreement in the appendix.

C. Provide a narrative justification explaining why each line item is necessary/relevant to the proposed project. Include sufficient cost and other details to facilitate the determination of cost allowability (*i.e.*, equipment specifications, etc.).

Multi-Year Project Requirements

For additional years of funding, the applicant must include a narrative for each additional year's project objectives, evaluation components, work plan, categorical budget, and budget justification. The same weights and criteria as noted in Section V. Application Review Information that is used to evaluate the first year of a multi-year project will be applied when evaluating the second year of the multi-year application. A weak second year submission could negatively impact the overall score of the application.

Appendix Items

A. Work plan for proposed objectives.

B. Position descriptions for key staff.

C. Resumes of key staff that reflect current duties.

D. Consultant proposed scope of work (if applicable).

E. Indirect Cost Rate Agreement, if applicable.

F. Organizational chart.

G. Multi-Year Project Requirements noted above.

H. Application Checklist.

2. Review and Selection Process

In addition to the above criteria/requirements, applications are considered according to the following:

A. Application Submission (*Application Deadline:* Friday, January 9, 2009). The application received in advance of or by the deadline and verified by the tracking number will undergo a preliminary review to determine that:

- The applicant and proposed project is eligible in accordance with this Single Source cooperative agreement announcement;
- The application builds upon previously funded project(s); and
- The application narrative, forms, and materials submitted meet the requirements of the announcement allowing the review panel to undertake an in-depth evaluation; otherwise the application may be returned.

B. Objective Review of Application—The objective review of the cooperative agreement is scheduled for Friday, January 16, 2009. The application will be screened to ensure that eligibility requirements are complete, responsive, and conform to this Single Source cooperative agreement program announcement. The application will be reviewed for merit by the Ad Hoc Objective Review Committee (ORC) appointed by the IHS to review and make recommendations on the application. The technical review will be conducted in accordance with the [HS Objective Review Guidelines. The technical review process ensures objectivity is maintained on the Single Source cooperative agreement application. The application will be evaluated and rated on the basis of the evaluation criteria listed in Section V.1. The criteria will be used to evaluate the quality of a proposed project, determine the likelihood of success and to assign a numerical score to the application. The application must score 60 points or above by the ORC to be considered for funding. The DGO will conduct a cost analysis on the proposal and provide additional recommendations. The program official accepts the DGO

recommendations when considering or recommending funding. The program official forwards the final recommendations and documentation to the Acting Director, Office of Tribal Programs (OTP), for final review and approval.

3. Anticipated Announcement and Award Dates. The IHS anticipates the earliest award start date will be February 1, 2009.

VI. Award Administration Information

1. Award Notices

The Notice of Award (NoA) will be initiated by the DGO and will be mailed via postal mail to the recipient. The NoA will be signed by the Grants Management Officer and is the authorizing document for which funds are dispersed to the approved entities. The NoA will serve as the official notification of the cooperative agreement award and will reflect the amount of Federal funds awarded for the purpose of the cooperative agreement and the involvement of each party's responsibilities: Recipient's and IHS, the terms and conditions of the award, the effective date of the award, and the budget/project period. The NoA is the legally binding document. The applicant will receive a copy of the Executive Summary which identifies the weaknesses and strengths of the application submitted.

ORC Results Notification: Wednesday, January 23, 2009.

The Acting Director, OTP, or program official, will notify the contact person identified on the proposal of the results of the objective review in writing via postal mail. If the application is declared ineligible, the applicant will receive written notification of the ineligibility determination. The ineligibility notification will include information regarding the rationale for the ineligibility decision citing specific information from the application and/or this Single Source cooperative agreement program announcement. If the application is disapproved for a low score, the applicant will receive a copy of the Executive Summary which identifies the weaknesses and strengths of the application submitted. Any other correspondence announcing to the Applicant's Project Director that an application was recommended for approval is not an authorization to begin performance. Pre-award costs are allowable charges under this cooperative agreement as noted in Part IV. Application and Submission Information, Item 6. Funding Restrictions.

2. Administrative and National Policy Requirements

Cooperative Agreements are administered in accordance with the following authorities and regulations:

- This single source cooperative agreement program announcement.
- Public Health Service Act Section 301.
- 45 CFR Part 74, ''Administration of Grants to Non-Profit Recipients.''
- Department of Health and Human Services, Grants Policy Statement, January 2007.
- Appropriate Cost Principles: OMB Circular A–122, ''Non-profit Organizations.''
- OMB Circular A–133, ''Audits of States, Local Governments and Non-Profit Organizations.''
- Healthy People 2010–The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2010,'' a PHS-led national activity for setting priority areas. This Program Announcement is related to one or more of the priority areas. A copy of ''Healthy People 2010'' is available at: *http://www.healthypeople.gov.*

3. Indirect Costs

This section applies to all grant recipients that request indirect cost in their application. In accordance with HHS Grants Policy Statement, Part II–27, IHS requires applicants to have a current indirect cost rate agreement in place prior to award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate refers to the rate covering the applicable activities during the award budget period. If the current rate is not on file with the awarding office, the award shall include funds for reimbursement of indirect costs. However, the indirect cost portion will remain restricted until the current rate is provided to the DGO.

Questions regarding the indirect cost policy may be addressed to the grants management staff at either 301–443–6290 or 301–443–5204.

If it is determined by the Division of Cost Allocation (DCA) that it is not feasible for the organization to develop a rate in order to charge the costs as direct costs, the organization must have an accounting system that identifies and segregates costs and assigns them commensurate with the benefits provided to each grant-supported project and the entity's other activities.

4. Reporting

A. Progress Report. Program progress reports are required quarterly. Quarterly program progress reports must be submitted within 30 days at the end of each quarter. These reports will include a brief comparison of actual accomplishments to the goals established for the period, reasons for slippage (if applicable), and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

B. Financial Status Reports. Financial status reports are required quarterly. Quarterly financial status reports must be submitted within 30 days at the end of each quarter. Final financial status reports are due within 90 days of expiration of the budget/project period. Standard Form 269 (long form) will be used for financial reporting.

C. Reports. The recipient is responsible and accountable for accurate reporting of the Progress Narrative Reports and Financial Status Reports. Final Financial Status Reports (SF–269) must be verified from the grantee records on how the value was derived. Final reports (narrative and financial) are due within 90 days after each budget period. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports.

VII. Agency Contact(s)

Interested parties may obtain programmatic information from the person listed under Programmatic Concerns under section IV of this program announcement. Grant-related and business management information may be obtained from the Grants Management Specialist listed under section IV of this program announcement. Grants.gov concerns submission and waiver requests may be addressed by Ms. Michelle Bulls, Division of Grants Policy. Contact information is noted under section IV of this program announcement. Please note

that the telephone numbers provided are not toll-free.

VIII. Other Information

Application Checklist: The following application checklist is included to assist the applicant in proposal preparation and follow-up. Applicant is highly encouraged to employ this checklist for their benefit and to submit it as part of their proposal as an attachment in Grants.gov to allow for verification of receipt. This checklist will be utilized by the DGO during their initial screening for eligibility and will be utilized by the OTP during their programmatic review for content of the application to ensure required items requested are submitted and the application is eligible for further review via the ORC. This checklist is available upon request from the OTP office.

FY 2009 IHS COOPERATIVE AGREEMENT APPLICATION CHECKLIST

Applicant Name: .....
Application Tracking Number: .....
Signed Paper Submission: .....
Electronic Submission: .....
Waiver Obtained: .....
Project Type: .....

Item	Applicant	Grants	Program
1. IHS FY 2009 Checklist			
2. Eligibility: National Indian Health Board Organization			
3. 501c(3) Non-Profit Certification			
4. SF 424 Application for Federal Assistance			
5. SF 424A Budget—Non-Construction			
6. SF 424B Assurances—Non-Construction			
7. Disclosure of Lobbying Activities			
8. Certification Regarding Lobbying			
9. Debarment Certification (Primary)			
10. Drug-free Certification			
11. Environmental Tobacco Smoke			
12. Maintenance of Effort Certification			
13. Abstract			
14. Project Narrative (14 pages maximum)			
a. Introduction and Need for Assistance			
b. Project Objective(s), Work-plan & Consultants			
c. Project Evaluation			
d. Organizational Capabilities & Qualifications			
e. Categorical Budget and Budget Justification			
15. APPENDIX ITEMS:			
a. Work-plan for proposed objectives			
b. Multi-year Summaries and Budget Justifications			
c. Position Descriptions for Key Staff			
d. Resumes of Key Staff that reflect current duties			
e. Consultant proposed scope of work (if applicable)			
f. Memorandums of Agreements			
g. Indirect Cost Rate Agreement, if applicable			
h. Organizational chart			

Applicant Signature/Date: .....
IHS Grants Management Signature/Date: .....
IHS Program Office Signature/Date: .....

The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

Dated: 12/29/08

Robert G. McSwain,

Director, Indian Head Service.

[FR Doc. E8–31468 Filed 1–7–09; 8:45 am]

BILLING CODE 4160–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

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 meeting.

The meeting 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 Environmental Health Sciences Special

Emphasis Panel; Systems Level Understanding of DNA Damage Responses.

Date: January 21, 2009.

Time: 11 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709, (Telephone Conference Call).

Contact Person: Sally Eckert-Tilotta, PhD, Scientific Review Administrator, Nat. Institute of Environmental Health Sciences, Office of Program Operations, Scientific Review Branch, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541–1446, *eckertt1@niehs.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: December 30, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–31470 Filed 1–7–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2008–0200]

Homeland Security Advisory Council

AGENCY: The Office of Policy, DHS.

ACTION: Committee Management; Notice of Closed Federal Advisory Committee Meeting.

SUMMARY: The Homeland Security Advisory Council (HSAC) will meet on January 12, 2009 in Washington, DC. The meeting will be closed to the public. This notice supplements the original meeting notice.

DATE: The HSAC will meet on Monday, January 12, 2009 from 12:30 p.m. to 2:30 p.m. EST.

ADDRESSES: The meeting will be held at DHS Headquarters at the Nebraska Avenue Complex, Washington, DC, 20528. Comments must be identified by DHS–2008–0200 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: hsac@dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 282–9207.
- *Mail:* Homeland Security Advisory Council, Department of Homeland Security, Mailstop 0850, 245 Murray Lane, SW., Washington, DC 20528.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the HSAC, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Homeland Security Advisory Council, Washington, DC 20528, (202) 447–3135, *HSAC@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 HSAC provides independent advice to the Secretary of the Department of Homeland Security to aide in the creation and implementation of critical and actionable policies and capabilities across the spectrum of homeland security operations. The HSAC periodically reports, as requested, to the Secretary, on such matters. The HSAC serves as the Secretary's primary advisory body with the goal of providing strategic, timely and actionable advice. The Federal Advisory Committee Act requires **Federal Register** publication 15 days prior to a meeting. The original HSAC meeting announcement was published 13 days prior to the meeting due to personnel issues. All known interested parties were made aware of the meetings with sufficient time for planning purposes. For agenda and other pertinent information please reference **Federal Register** Notice published on December 30, 2008 at 73 FR 79894.

Dated: January 5, 2009.

Michael Miron,

Acting Executive Director, Homeland Security Advisory Council.

[FR Doc. E9–110 Filed 1–7–09; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–3299–EM]

New York; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of New York (FEMA–3299–EM), dated December 18, 2008, and related determinations.

DATES: *Effective Date:* December 18, 2008.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated December 18, 2008, the President declared an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of New York resulting from a severe winter storm beginning on December 11, 2008, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act). Therefore, I declare that such an emergency exists in the State of New York.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program. This assistance excludes regular time costs for subgrantees' regular employees. In addition, you are authorized to provide such other forms of assistance under Title V of the Stafford Act as you may deem appropriate.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Marianne C. Jackson, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of New York have been designated as adversely affected by this declared emergency:

Albany, Chenango, Columbia, Delaware, Dutchess, Greene, Orange, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Sullivan, Ulster, and Washington Counties for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E9–77 Filed 1–7–09; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1809–DR]

Missouri; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–1809–DR), dated November 13, 2008, and related determinations.

DATES: *Effective Date:* December 19, 2008.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Missouri is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of November 13, 2008.

Randolph and Mississippi Counties for Public Assistance.

Montgomery County for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E9–78 Filed 1–7–09; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2008–0021]

Federal Radiological Preparedness Coordinating Committee

ACTION: Notice of public meeting.

SUMMARY: The Federal Radiological Preparedness Coordinating Committee (FRPCC) is holding a public meeting on January 27, 2009 in Washington, DC.

DATES: The meeting will occur on January 27, 2009 from 9 a.m. to 11 a.m., eastern daylight time. Those intending to participate must provide their name and telephone number by close of business on January 16, 2009. Those intending to submit written statements and requests to make oral statements must also be received by close of business on January 16, 2009.

ADDRESSES: The meeting will be held at the Federal Emergency Management Agency (FEMA) Conference Center located at 800 K Street, NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: To register for the meeting or file a written statement, please contact Ms. Pat Tenorio, DHS/FEMA, South Bell Street—CC845, Mail Stop 3025, Arlington, VA 20598–3025, telephone (703) 605–4213; fax (703) 305–0837; or e-mail *pat.tenorio@dhs.gov.*

To reserve time to make an oral presentation, submit a written request to James R. Kish, FRPCC Chair, DHS/FEMA, 1800 South Bell Street—CC845, Mail Stop 3025, Arlington, VA 20598–3025 or fax (703) 305–0837.

SUPPLEMENTARY INFORMATION: The role and functions of the FRPCC are described in 44 CFR 351.10(a) and 351.11(a). The tentative agenda for the FRPCC meeting includes: (1) Introductions, (2) reports from FRPCC Subcommittees, (3) old business and new business, and (4) business from the floor.

The meeting is open to the public, subject to the availability of space. Please note that the meeting may close early.

All visitors to the FEMA Conference Center must pre-register to be admitted to the building. Those intending to participate must provide their name and telephone number by close of business on January 16, 2009, to Pat Tenorio, DHS/FEMA, South Bell Street—CC845, Mail Stop 3025, Arlington, VA 20598–3025, telephone (703) 605–4213; fax (703) 305–0837; or e-mail *pat.tenorio@dhs.gov.* Building security requires a list of all participants prior to the date of the meeting. If you have not been pre-registered, you may be denied access on the date of the meeting.

The FRPCC Chair shall conduct the meeting in a way that will facilitate the orderly conduct of business. Reasonable provisions will be made, if time permits, for oral statements from the public of not more than five minutes in length. Any member of the public who wishes to make an oral statement at the meeting must request time, in writing, from James R. Kish, FRPCC Chair, DHS/FEMA, 1800 South Bell Street—CC845, Mail Stop 3025, Arlington, VA 20598–3025 or fax (703) 305–0837 no later than January 16, 2009. Any member of the public who wishes to file a written statement with the FRPCC should mail or fax the statement to the Federal Radiological Preparedness Coordinating Committee, c/o Pat Tenorio, DHS/FEMA, 1800 South Bell Street—CC845, Mail Stop 3025, Arlington, VA 20598–

3025 before close of business on January 16, 2009.

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 Pat Tenorio at (703) 605–4213 as soon as possible.

Dated: December 22, 2008.

James R. Kish,

Director, Technological Hazards Division, National Preparedness Directorate, Department of Homeland Security, Federal Emergency Management Agency, Chair, Federal Radiological Preparedness Coordinating Committee.

[FR Doc. E9–81 Filed 1–7–09; 8:45 am]

BILLING CODE 9110–21–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. FEMA–2008–0010]

National Fire Academy Board of Visitors

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee Management; Notice of Open Teleconference Federal Advisory Committee Meeting.

SUMMARY: The National Fire Academy Board of Visitors will meet by teleconference on February 3, 2009.

DATES: The teleconference will take place Tuesday, February 3, 2009, from10 a.m. to 12 p.m., e.s.t.

ADDRESSES: Members of the public who wish to obtain the call-in number, access code, and other information for the public teleconference may contact Teressa Kaas as listed in the **FOR FURTHER INFORMATION CONTACT** section by February 2, 2009, as the number of teleconference lines is limited and available on a first-come, first served basis. Members of the public may also 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**, on or before February 2, 2009. 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 February 2, 2009. Send written material to Teressa Kaas, 16825 South Seton Avenue, Emmitsburg, Maryland 21727. Comments must be identified by 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 number 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 number for this action. Comments received will be posted without alteration at *http://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 teleconference for purposes of reviewing National Fire Academy Program activities, including the status of facility capital improvements, the budget update, the National Professional Development Committee Report, the Academy update, 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 teleconference in a way that will, in his judgment, facilitate the orderly conduct of business. During its teleconference, 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 teleconference 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: December 31, 2008.

Denis G. Onieal,

Superintendent, National Fire Academy, U.S. Fire Administration, Federal Emergency Management Agency.

[FR Doc. E9–79 Filed 1–7–09; 8:45 am]

BILLING CODE 9110–17–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–930–1610–DR]

Notice of Availability of Record of Decision for the Pinedale Resource Management Plan/Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD)/Approved Resource Management Plan (RMP) for the Pinedale Field Office Planning Area located in Sublette and Lincoln Counties, Wyoming. The Wyoming State Director signed the ROD on November 27, 2008, which constitutes the final decision of the BLM and makes the Approved RMP effective immediately. The Pinedale RMP provides the management direction for the Federal lands and resources in the Pinedale Field Office Planning Area. The Approved Pinedale RMP revises and replaces the 1988 Pinedale RMP.

ADDRESSES: Copies of the ROD/Approved RMP are available upon request from the following locations:

- Bureau of Land Management, Pinedale Field Office, 1625 W. Pine Street, Pinedale, Wyoming 82941
- Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82003

or via the Internet at *http://www.blm.gov/rmp/wy/pinedale/documents.html.*

FOR FURTHER INFORMATION CONTACT: For further information, contact Chuck Otto, Field Manager, or Kellie Roadifer, Pinedale RMP team leader, at the Pinedale Field Office, 1625 W. Pine Street, P.O. Box 768, Pinedale, Wyoming 82941, or by telephone at (307) 367–5300.

SUPPLEMENTARY INFORMATION:

The Pinedale RMP was revised collaboratively with the State of Wyoming, county and municipal governments and agencies, and Tribal Governments. The Pinedale RMP Planning Area includes approximately

922,880 acres of BLM-administered public lands and 1,199,280 acres of Federal mineral estate under Federal, State, and Private surface ownership.

The Approved Pinedale RMP describes the goals, objectives, and management actions to meet desired resource conditions for upland and riparian vegetation, recreation, grazing management, cultural and visual resources, and wildlife habitat, including habitat for threatened and endangered species. The Approved RMP also describes the actions and anticipated levels of development for fluid minerals resources, and locatable minerals in the Pinedale Field Office Planning Area.

The agency-preferred alternative (Alternative 4, in the Proposed RMP/Final Environmental Impact Statement (EIS), with minor modifications) is the selected alternative for the Approved RMP. After the publication of the Proposed RMP and Final EIS on August 22, 2008, 13 protests were received. The Governor of Wyoming also identified issues during the governor's consistency review. As the result of protest and consistency review, minor modifications were made to the Proposed RMP to address these issues.

The description of land use restrictions in Visual Resource Management (VRM) classes was clarified to indicate the application of land use restrictions based on VRM class is not made at the RMP level; the application of mitigation guidelines and operating standards, which are included in Appendix 3, was clarified to have possible application to exploratory oil and gas drilling; Appendix 3 was updated to include an operating standard regarding the control of water pits to limit the spread of West Nile virus; a cultural resource management action was removed to clarify that contributing segments of the National Historic Trails within the Pinedale Planning Area were identified; a statement included in Table 2–25 was corrected to present the appropriate management action regarding restrictions on high-profile structures near sage-grouse leks; the maps showing special designations and management areas were reprinted on a larger scale to improve readability; and typographical errors were corrected in Appendix 3 and the Glossary.

No inconsistencies were identified between the RMP and State or local plans. The governor's consistency review identified four issues that are further clarified in the ROD: (1) Revision of the definition of ''avoidance area'' in the Glossary in order to clarify that right-of-way applications would be allowed in and through the Pinedale Field Office Planning Area; (2) elaboration on the Section 390 Categorical Exclusions (CX) under the Energy Policy Act of 2005; (3) elucidation of the potential need for future air quality monitoring and modeling; and (4) inclusion of a reference to the Wyoming Executive Order 2008–2 regarding greater sage-grouse core area protection.

Jamie E. Connell,

Acting Associate State Director.

[FR Doc. E9–99 Filed 1–7–09; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–930–6310–DR–WOPR; HAG–09–0045]

Notice of Availability of the Records of Decision of the Resource Management Plans of the Western Oregon Bureau of Land Management Salem, Eugene, Roseburg, Coos Bay, and Medford Districts, and the Klamath Falls Resource Area of the Lakeview District

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA), the Federal Land Policy and Management Act (FLPMA), and the Bureau of Land Management (BLM) policies, the BLM announces the availability of the Records of Decision (RODs) for the Approved Resource Management Plans of the Salem, Eugene, Roseburg, Coos Bay, and Medford Districts, and the Klamath Falls Resource Area of the Lakeview District in western Oregon. The Assistant Secretary, Land and Minerals Management, signed the RODs on December 30, 2008, which constitutes the final decision of the Secretary of the Interior. The Approved Resource Management Plans (RMPs) are effective immediately.

ADDRESSES: Copies of the RODs will be sent to affected federal, state, and local government agencies, and to tribal governments. Interested persons may review the RODs on the Internet at *http://www.blm.gov/or/plans/wopr/index.php.* Copies of the RODs will be available for public inspection at the Salem, Eugene, Roseburg, Coos Bay, and Medford District offices and the Grants Pass, Klamath Falls and Tillamook Resource Area offices.

FOR FURTHER INFORMATION CONTACT: Jerry Hubbard, Western Oregon Plan Revisions Public Outreach Coordinator; at (503) 808–6115.

SUPPLEMENTARY INFORMATION: The BLM has analyzed revisions of six Resource Management Plans with a single Final Environmental Impact Statement (FEIS). The FEIS describes four alternatives, including the Proposed RMP alternative, for managing approximately 2,550,000 acres of federal land within the western Oregon planning area, most of which are Oregon and California Railroad and Coos Bay Wagon Road Grant lands.

The major resource management issues addressed in the Approved RMPs include:

- Providing a sustainable supply of wood and other forest products, as mandated by the Oregon and California Lands Act of 1937, while also meeting other applicable laws.
- Providing for conservation of species listed under the Endangered Species Act.
- Contributing to meeting the goals of the Clean Water Act and the Safe Drinking Water Act.
- Reducing wildfire hazard and integrating fire back into the ecosystem.

The Notice of Availability of the Draft Environmental Impact Statement (DEIS) was published in the **Federal Register** on August 10, 2007. During the planning process over 170 meetings were offered and nearly 30,000 comment letters were received during the comment period. Comments received on the DEIS were important in shaping the Approved RMPs. The Approved RMPs are based on Alternative 2 from the DEIS, but include portions of the other alternatives in the DEIS.

Some of the key changes include:

- Including wider Riparian Management Areas, as described in Alternative 1 of the DEIS.
- Reconfiguring Late Successional Management Areas to match the Final Northern Spotted Owl Recovery Plan.
- Deferring harvest for 15 years in older and more structurally complex multi-layered conifer stands in the Timber Management Area to be consistent with the Final Northern Spotted Owl Recovery Plan.
- Using uneven-aged management from Alternative 3 in the southern Medford District and Klamath Falls Resource Area to decrease fire hazard and increase fire resiliency.

The Notice of Availability of the FEIS/PRMP was published in the **Federal Register** on October 17, 2008. The Governor's consistency review period ended on December 8, 2008. The Governor did not identify any inconsistency between the Proposed

RMP (PRMP) and approved resource related plans, and the policies or programs contained therein, of State or local governments or offer any specific recommendation to change the plan to address a finding of inconsistency with State or local plans. The Governor did identify concerns with the PRMP which were addressed by the BLM State Director, Oregon/Washington.

A protest period for the PRMP was provided between November 7 and December 8, 2008. Two hundred and sixty four protests were received on the PRMP during the protest period. A minor change resulted from resolution of the protests: Two small parcels purchased with Land and Water Conservation Funds were added to an Area of Critical Environmental Concern in the Salem RMP. Additional minor editorial modifications were made in preparing the Approved RMPs to provide further clarification of some of the decisions. Through its protest resolution process, the BLM has determined that the PRMP complies with applicable laws, regulations, and policies.

The plan does not include any implementation level decisions. When the BLM proposes to take an action on lands managed under the revised plans, any party to a case adversely affected by that decision may appeal such decision to the Interior Board of Land Appeals in accordance with regulations found at 43 CFR Part 4.

Edward W. Shepard,

State Director, Oregon/Washington, Bureau of Land Management.

[FR Doc. E9–103 Filed 1–7–09; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–320–1310–PP–OSHL]

Public Land Order No. 7725; Revocation of Oil Shale Withdrawal; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a withdrawal established by an Executive Order insofar as it affects public lands and federally owned mineral deposits in the State of Utah withdrawn for investigation, examination and classification of oil shale. This order also restores those withdrawn oil shale deposits and public lands containing such deposits to oil shale leasing and opens all lands to the operation of the public land laws, excepting the operation of the 1872 Mining Law.

DATES: *Effective Date:* February 9, 2009.

FOR FURTHER INFORMATION CONTACT: Rhonda Flynn, BLM Utah State Office, 440 West 200 South, Suite 500, P.O. Box 45155, Salt Lake City, Utah, 801–539–4132.

SUPPLEMENTARY INFORMATION: Executive Order No. 5327 temporarily withdrew public lands from lease or other disposal for investigation, examination and classification of oil shale. The Energy Policy Act of 2005, Public Law No. 109–58, dated August 8, 2005, authorizes the Secretary of the Interior to make public lands containing federally owned oil shale deposits available for leasing. Approximately 1,652,000 acres in the State of Utah are affected by this revocation. The lands will not be opened to the operation of the 1872 Mining Law until completion of an analysis to determine if any of the lands need special designation and protection. There is also a complementary withdrawal of these lands that disallows the location of mining claims for metalliferous minerals under the 1872 Mining Law.

Order

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000), it is ordered as follows:

1. The withdrawal established by Executive Order No. 5327, dated April 15, 1930, as amended, which withdrew oil shale deposits and lands containing such deposits, is hereby revoked insofar as it affects public lands and federally owned mineral deposits in the State of Utah.

2. At 9 a.m. on February 9, 2009, all federally owned oil shale deposits and public lands containing oil shale deposits in the State of Utah withdrawn by Executive Order No. 5327 referenced in Paragraph 1, will be opened to the operation of the public land laws and to development activities pursuant to section 21 of the Mineral Leasing Act of 1920 (30 U.S.C. 241), as amended by section 369 of the Energy Policy Act of 2005 (Pub. L. No. 109–58) and regulations promulgated thereunder, but will not be opened to the operation of the 1872 Mining Law, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on February 9, 2009, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

Dated: December 26, 2008.

C. Stephen Allred,

Assistant Secretary, Land and Minerals Management.

[FR Doc. E9–101 Filed 1–7–09; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–320–1310–PP–OSHL]

Public Land Order No. 7726; Revocation of Oil Shale Withdrawals; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a withdrawal established by an Executive Order insofar as it affects public lands and federally owned mineral deposits in the State of Wyoming withdrawn for investigation, examination and classification of oil shale. This order also restores those withdrawn oil shale deposits and public lands containing such deposits to oil shale leasing and opens all lands to the operation of the public land laws, excepting the operation of the 1872 Mining Law.

DATES: *Effective Date:* February 9, 2009.

FOR FURTHER INFORMATION CONTACT: Janet Booth, BLM Wyoming State Office, 5353 N. Yellowstone Road, P.O. Box 1828, Cheyenne, Wyoming 82003, 307–775–6124.

SUPPLEMENTARY INFORMATION: Executive Order No. 5327 temporarily withdrew public lands from lease or other disposal for investigation, examination and classification of oil shale. The Energy Policy Act of 2005 (42 U.S.C. 15801), Public Law 109–58, dated August 8, 2005, authorizes the Secretary of the Interior to make public lands containing federally owned oil shale deposits available for leasing. Approximately 6,031,000 acres of public lands and federally owned mineral deposits in the State of Wyoming are affected by this revocation. The lands will not be opened to the operation of the 1872 Mining Law until completion of an analysis to determine if any of the lands need special designation and protection. There is also a complementary withdrawal of these lands that disallows the location of mining claims for metalliferous minerals under the 1872 Mining Law.

Order

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000), it is ordered as follows:

1. The withdrawal established by Executive Order No. 5327, dated April 15, 1930, as amended, which withdrew oil shale deposits and lands containing such deposits, is hereby revoked insofar as it affects public lands and federally owned mineral deposits in the State of Wyoming.

2. At 9 a.m. February 9, 2009, all withdrawn federally owned oil shale deposits and public lands containing oil shale deposits in the State of Wyoming withdrawn by Executive Order No. 5327 referenced in Paragraph 1, will be opened to the operation of the public land laws and to development activities pursuant to section 21 of the Mineral Leasing Act of 1920 (30 U.S.C. 241), as amended by section 369 of the Energy Policy Act of 2005, Public Law No. 109–58) and regulations promulgated thereunder, but will not be opened to the operation of the 1872 Mining Law, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on February 9, 2009), will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

Dated: December 26, 2008.

C. Stephen Allred,

Assistant Secretary, Land and Minerals Management.

[FR Doc. E9–105 Filed 1–7–09; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCA9300000–LVFL58740000–LXSS003B0000–CACA 50075]

Notice of Realty Action: Competitive Sale of Public Lands in San Bernardino County, California

Correction

In notice document E8–29571 beginning on page 76043 in the issue of Monday, December 15, 2008, make the following correction:

On page 76044, in the first column, in the first paragraph, in the eighth line ''January 5, 2009'' should read ''December 15, 2010''.

[FR Doc. Z8–29571 Filed 1–7–09; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

National Park Service

Plan of Operations for Cable-Only Delilah 3–D Seismic Survey, Big Thicket National Preserve, Texas

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of Availability of a Plan of Operations for Cable-Only Delilah 3–D Seismic Survey at Big Thicket National Preserve.

SUMMARY: Notice is hereby given in accordance with 36 CFR 9.52(b), of a Plan of Operations submitted by Cimarex Energy, Co., for a cable-only 3–D seismic survey, Hardin County, Texas.

DATES: The above document is available for pubic review and comment through February 9, 2009.

ADDRESSES: The Plan of Operations is available for public review and comment in the Office of the Superintendent, Todd Brindle, Big Thicket National Preserve, 6044 FM 420, Kountze, Texas 77625. The document is also available at the Planning, Environment and Public Comment (PEPC) Web site at *http://parkplanning.nps gov/bith/.*

FOR FURTHER INFORMATION CONTACT: Mr. Haigler ''Dusty'' Pate, Natural Resource Program Manager, Big Thicket National Preserve, 6044 FM 420, Kountze, Texas 77625, Telephone: 409–951–6822, e-mail at *HaiglerPate@nps.gov.*

SUPPLEMENTARY INFORMATION: If you wish to comment on the Plan of Operations, you may mail comments to the name and address above or post comments online at *http://parkplanning.nps.gov/bith/.* This Plan of Operations will be on public review for 30 days. 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: December 15, 2008.

Todd W. Brindle,

Superintendent, Big Thicket National Preserve.

[FR Doc. E9–25 Filed 1–7–09; 8:45 am]

BILLING CODE 4312–CB–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Meeting of the Yakima River Basin Conservation Advisory Group, Yakima River Basin Water Enhancement Project, Yakima, WA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of meeting.

SUMMARY: As required by the Federal Advisory Committee Act, notice is hereby given that the Yakima River Basin Conservation Advisory Group, Yakima River Basin Water Enhancement Project, Yakima, Washington, established by the Secretary of the Interior, will hold a public meeting. The purpose of the Conservation Advisory Group is to provide technical advice and counsel to the Secretary of the Interior and Washington State on the structure, implementation, and oversight of the Yakima River Basin Water Conservation Program.

DATES: Wednesday, January 14, 2009, 9 a.m.–1 p.m.

ADDRESSES: Bureau of Reclamation, Yakima Field Office, 1917 Marsh Road, Yakima, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Larrick, Assistant Program Manager, Yakima River Basin Water Enhancement Project, 1917 Marsh Road, Yakima, Washington, 98901; 509–575–5848, extension 209.

SUPPLEMENTAL INFORMATION: The purpose of the meeting will be to review the option of using the acquired habitat lands to mitigate the impacts that occur from the planned conservation measures and develop recommendations. This meeting is open to the public.

Dated: October 23, 2008.

Walter Larrick,

Assistant Program Manager, Pacific Northwest Region.

[FR Doc. E9–24 Filed 1–7–09; 8:45 am]

BILLING CODE 4310–MN–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–626]

In the Matter of: Certain Noise Cancelling Headphones; Notice of a Commission Determination Not To Review an Initial Determination Terminating the Investigation on the Basis of Settlement Agreements

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 26) of the presiding administrative law judge (''ALJ'') in the above-captioned investigation terminating the investigation on the basis of settlement agreements.

FOR FURTHER INFORMATION CONTACT: Michael K. Haldenstein, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–3041. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *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.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 26, 2007, based on a complaint filed by Bose Corporation of Framingham, Massachusetts (''Bose''). 73 FR 882 (January 4, 2008). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain noise-cancelling headphones by reason of infringement of certain claims of United States Patent Nos. 5,181,252 and 6,597,792. The complaint named as respondents Phitek Systems Limited of New Zealand (''Phitek New Zealand''); Phitek Systems Limited of San Jose, California; GN Netcom, Inc. of Nashua, New Hampshire; Audio-Technica U.S., Inc. of Stow, Ohio (''Audio-Technica''); Creative Labs, Inc. of Milpitas, California (''Creative''); Logitech Inc. of Fremont, California; and Panasonic Corporation of North America of Secaucus, New Jersey (''Panasonic'').

On November 18, 2008, complainant and four remaining respondents, Phitek New Zealand, Audio-Technica, Creative, and Panasonic, filed a joint motion pursuant to Commission rule 210.21 for termination of the investigation based upon two settlement agreements. One settlement agreement is between Bose and Panasonic, and the other settlement agreement is between Bose and Phitek New Zealand, Audio-Technica, and Creative. The Commission investigative attorney filed a response in support of the motion.

On December 4, 2008, the ALJ issued the subject ID, granting the joint motion and terminating the investigation with respect to all remaining respondents on the basis of the settlement agreements. No petitions for review were filed and the Commission has determined not to review the subject ID. The investigation is terminated.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and Commission rules 210.21, 210.42, 19 CFR 210.21, 210.42.

By order of the Commission.

Issued: January 2, 2009.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9–80 Filed 1–7–09; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations No. 731–TA–1140 (Final)]

Uncovered Innerspring Units From China

AGENCY: United States International Trade Commission.

ACTION: Additional scheduling date for the subject investigations.

DATES: *Effective Date:* January 5, 2009.

FOR FURTHER INFORMATION CONTACT: Jennifer Merrill (202–205–3188), 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 these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: Effective July 30, 2008, the Commission established a schedule for the conduct of the final phase of the subject investigations (73 FR 49219, August 20, 2008). Subsequently, the Department of Commerce extended the date for its final determination in the investigation on China to December 19, 2008 (73 FR 50932, August 29, 2008).[1] Accordingly, the Commission is, hereby, issuing its additional scheduling date with respect to the antidumping duty investigation concerning China as follows: A supplemental brief addressing only Commerce's final antidumping duty determination is due on January 8, 2009. The brief may not exceed five (5) pages in length.

For further information concerning these investigations 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: These investigations are 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: January 5, 2009.

William R. Bishop,

Hearings and Meetings Coordinator.

[FR Doc. E9–117 Filed 1–7–09; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree in United States v. Lorain County Metropolitan Park District, et al. Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Notice is hereby given that on December 30, 2008, a proposed Consent Decree was lodged with the *United States District Court for the Northern District of Ohio in United States* v. *Lorain County Metropolitan Park District, et al.*, Case No. 1:08–cv–03026–AA. The Consent Decree between the United States, on behalf of the U.S. Environmental Protection Agency (''U.S. EPA''), and the Settling Defendants relates to certain liabilities under the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9601 *et seq.*, in connection with the Ford Road Industrial Landfill Superfund Site in Elyria, Ohio (the ''Site'').

Under the proposed settlement, Settling Defendants will perform the $3.4 million remedy at the Site, which includes cover enhancement, hot spot removal, and groundwater monitoring,

[1] Effective October 21, 2008, Commerce issued its final antidumping duty determinations for South Africa (73 FR 62481) and Vietnam (73 FR 62479).

and will reimburse future response costs incurred by U.S. EPA in overseeing the response work.

The Department of Justice will receive comments relating to the Consent Decree for a period of thirty (30) days from the date of this publication. 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. *Lorain County Metropolitan Park District, et al.*, DJ Ref. No. 90–11–3–09102.

The Consent Decree may be examined at the Office of the United States Attorney for the Northern District of Ohio, 801 West Superior Avenue, Suite 400, Cleveland, OH 44113, by request to Assistant U.S. Attorney Steven J. Paffilas, and at the U.S. EPA Region V, 77 West Jackson Blvd., Chicago, IL 60604. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site: *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 $13.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

William D. Brighton,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E9–87 Filed 1–7–09; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Judgment Pursuant to Resource Recovery and Conservation Act

Notice is hereby given that on December 23, 2008, a proposed Consent Judgment in *United States* v. *Citygas Gasoline Corporation, et al.*, Civil Action No. CV–03–6374, was lodged with the United States District Court for the Eastern District of New York.

The proposed Consent Judgment will resolve the United States' claims under Section 9006 of the Resource Recovery and Conservation Act, as amended, 42 U.S.C. 6991e, on behalf of the U.S. Environmental Protection Agency against defendants Sidney Esikoff Family Trust (''Seft''), 141–50 Union Turnpike LLC, 83–10 Astoria Boulevard LLC, and 2800 Bruckner Boulevard LLC (collectively ''SEFT Defendants''). The United States alleges that the SEFT Defendants violated the regulations governing underground storage tanks (''USTs''), set forth at 40 CFR Part 280, at the following facilities, which were automobile fueling stations with USTs that defendants have owned and/or operated: (1) 83–10 Astoria Boulevard, Jackson Heights, New York; (2) 141–50 Union Turnpike, Flushing, New York; and (3) 2800 Bruckner Boulevard, Bronx, New York. The Consent Judgment requires the SEFT Defendants to pay a civil penalty of $325,000. The Consent Judgment also provides for injunctive relief to be implemented over the next five years at 141–50 Union Turnpike, Flushing, New York, consisting of maintenance of ongoing compliance with the UST regulations, and submission of reports demonstrating such compliance.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Consent Judgment. 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. *Citygas Gasoline Corporation, et al.*, Civil Action No. CV–03–6374, D.J. Ref. No. 90–7-1–07464.

The proposed Consent Judgment may be examined at the Office of the United States Attorney, Eastern District of New York, 271 Cadman Plaza East, 7th Fl., Brooklyn, New York 11201, and at the United States Environmental Protection Agency, Region II, 290 Broadway, New York, New York 10007–1866. During the public comment period, the proposed Consent Judgment may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html* . A copy of the proposed Consent Judgment may 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 $14.25 (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. E9–67 Filed 1–7–09; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Judgment Pursuant to Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on December 19, 2008, a proposed Supplemental Consent Judgment in *United States* v. *Estate of Joseph Vazzana, Sr., et al.*, Civil Action No. CV–04–0620, was lodged with the United States District Court for the Eastern District of New York.

An earlier Consent Judgment, entered by the Court on May 21, 2007, resolved cost recovery claims of the United States, on behalf of the U.S. Environmental Protection Agency (''EPA''), under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), 42 U.S.C. 9607(a), in connection with the Spectrum Finishing Corp. Superfund Site in West Babylon, Suffolk County, New York (the ''Site''), against defendants Estate of Joseph Vazzana, Sr., Joseph Vazzana, Jr. (hereinafter collectively referred to as ''Settling Defendants''), and the approximately one acre of land located contiguously at 51 Cabot and 50 Dale Streets in West Babylon that comprises the Site (''Property''). The original Consent Judgment provided, among other things, that the Defendants would sell the Property and reimburse EPA for its response costs from the proceeds. This Supplemental Consent Judgment provides for the specific terms of sale and distribution of proceeds from the sale of the Property in accordance with a formula set forth in the Supplemental Consent Judgment. This Supplemental Consent Judgment addresses the claims to the Property made in this action by the County of Suffolk, the State of New York, and the Suffolk County District Attorney's Office.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Judgment. Comments should be

addressed to the Assistant Attorney General of the 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. *Estate of Joseph Vazzana, Sr., et al.*, Civil Action No. CV–04–0620, D.J. Ref. No. 90–11–3–07461.

The proposed Supplemental Consent Judgment may be examined at the Office of the United States Attorney, Eastern District of New York, 271 Cadman Plaza East, 7th Floor, Brooklyn, New York 11201, and at the United States Environmental Protection Agency, Region II, 290 Broadway, New York, New York 10007–1866. During the public comment period, the proposed Supplemental Consent Judgment may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html*. A copy of the proposed Supplemental Consent Judgment may 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. If requesting a copy of the proposed Supplemental Consent Judgment, please enclose a check in the amount of $7.25 (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. E9–68 Filed 1–7–09; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

[OMB Number 1125–0008]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-day notice of information collection under review: Notice of Appeal from a Decision of an Adjudicating Official in a Practitioner Disciplinary Case.

The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 73, Number 215, page 65885–65886, on November 5, 2008, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until February 9, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may also be submitted to OMB via facsimile to (202) 395–5806.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate 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;
—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;
—Enhance the quality, utility, and clarity of the information to be collected; and
—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.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Notice of Appeal from a Decision of an Adjudicating Official in a Practitioner Disciplinary Case.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form EOIR–45, Executive Office for Immigration Review, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* A party who appeals a practitioner disciplinary decision by the adjudicating official to the Board of Immigration Appeals (Board). *Other:* None. *Abstract:* Once the adjudicating official issues a practitioner disciplinary decision, either party or both parties may appeal the decision to the Board for *de novo* review of the record, pursuant to 8 CFR 1003.106(c).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 50 respondents will complete the form annually with an average of one hour per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 50 total burden hours associated with this collection annually.

If additional information is required, contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: January 5, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E9–131 Filed 1–7–09; 8:45 am]

BILLING CODE 4410–30–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–20875]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 52–21502–01, for Termination of the License and Unrestricted Release of the Becton Dickinson Caribe Ltd.'s Facility in Cayey, Puerto Rico

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

FOR FURTHER INFORMATION CONTACT: Betsy Ullrich, Senior Health Physicist, Commercial and R & D Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406; telephone (610) 337–5040; fax number (610) 337–5269; or by e-mail: *Elizabeth.Ullrich@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Byproduct Materials License No. 52–21502–01. This license is held by Becton Dickinson Caribe, Ltd. (the Licensee) for its Becton Dickinson Caribe Ltd. facility located at Parque Industrial Rincón, Vicks Drive, Lot 6, in Cayey, Puerto Rico (the Facility). Issuance of the amendment would authorize release of the Facility for unrestricted use and termination of the NRC license. The Licensee requested this action in a letter dated May 19, 2008. The NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of Title 10, Code of Federal Regulations (CFR), Part 51 (10 CFR Part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to the proposed action. The amendment will be issued to the Licensee following the publication of this FONSI and EA in the **Federal Register.**

II. Environmental Assessment

Identification of Proposed Action

The proposed action would approve the Licensee's May 19, 2008, license amendment request, resulting in release of the Facility for unrestricted use and the termination of its NRC materials license. License No. 52–21502–01 was issued on April 13, 1984, pursuant to 10 CFR Part 30, and has been amended periodically since that time. This license authorized the Licensee to use unsealed byproduct material for purposes of manufacturing of diagnostic test kits.

The Facility is situated on 8.8 acres of land and consists of office, laboratory, and manufacturing areas. The Facility is located in a mixed industrial/commercial area. Within the Facility, use of licensed materials was confined to Building 1 (96,821 square feet), of which the following areas were used for licensed activities: The Bactec Filling (9,188 square feet) and Bactec labeling (6,655 square feet) sections of the manufacturing area; the Bactec QC Laboratory (1655 square feet); the current warehouse (20,419 square feet) and Bactec Sensor original warehouse (3,139 square feet); and sections of the Finished Goods Warehouse.

In 2005, the Licensee ceased licensed activities and initiated a survey and decontamination of the Facility. Based on the Licensee's historical knowledge of the site and the conditions of the Facility, the Licensee determined that only routine decontamination activities, in accordance with their NRC-approved, operating radiation safety procedures, were required. The Licensee was not required to submit a decommissioning plan to the NRC because worker cleanup activities and procedures are consistent with those approved for routine operations. The Licensee conducted surveys of the Facility and provided information to the NRC to demonstrate that it meets the criteria in Subpart E of 10 CFR Part 20 for unrestricted release and for license termination.

Need for the Proposed Action

The Licensee has ceased conducting licensed activities at the Facility, and seeks the unrestricted use of its Facility and the termination of its NRC materials license. Termination of its license would end the Licensee's obligation to pay annual license fees to the NRC.

Environmental Impacts of the Proposed Action

The historical review of licensed activities conducted at the Facility shows that such activities involved use of the following radionuclides with half-lives greater than 120 days: carbon-14. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas of the Facility affected by these radionuclides. The Licensee conducted final status surveys during the period of February 25 through April 2, 2008. This survey covered the manufacturing, laboratory, and warehouse areas where licensed materials were used. The final status survey report was attached to the Licensee's amendment request dated May 19, 2008. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by using the screening approach described in NUREG–1757, ''Consolidated NMSS Decommissioning Guidance,'' Volume 2. The Licensee used the radionuclide-specific derived concentration guideline levels (DCGLs), developed there by the NRC, which comply with the dose criterion in 10 CFR 20.1402. These DCGLs define the maximum amount of residual radioactivity on building surfaces, equipment, and materials, and in soils, that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The Licensee's final status survey results were below these DCGLs and are in compliance with the As Low As Reasonably Achievable (ALARA) requirements of 10 CFR 20.1402. The NRC thus finds that the Licensee's final status survey results are acceptable.

Based on its review, the staff has determined that the affected environment and any environmental impacts associated with the proposed action are bounded by the impacts evaluated by the ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities'' (NUREG–1496) Volumes 1–3 (ML042310492, ML042320379, and ML042330385). The staff finds there were no significant environmental impacts from the use of radioactive material at the Facility. The NRC staff reviewed the docket file records and the final status survey report to identify any non-radiological hazards that may have impacted the environment surrounding the Facility. No such hazards or impacts to the environment were identified. The NRC has identified no other radiological or non-radiological activities in the area that could result in cumulative environmental impacts.

The NRC staff finds that the proposed release of the Facility for unrestricted use and the termination of the NRC materials license is in compliance with 10 CFR 20.1402. Based on its review, the staff considered the impact of the residual radioactivity at the Facility and concluded that the proposed action will not have a significant effect on the quality of the human environment.

Environmental Impacts of the Alternatives to the Proposed Action

Due to the largely administrative nature of the proposed action, its environmental impacts are small. Therefore, the only alternative the staff considered is the no-action alternative, under which the staff would leave things as they are by simply denying the amendment request. This no-action alternative is not feasible because it conflicts with 10 CFR 30.36(d), requiring that decommissioning of byproduct material facilities be completed and approved by the NRC after licensed activities cease. The NRC's analysis of the Licensee's final status survey data confirmed that the Facility meets the requirements of 10 CFR 20.1402 for unrestricted release and for license termination. Additionally,

denying the amendment request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the no-action alternative are therefore similar, and the no-action alternative is accordingly not further considered.

Conclusion

The NRC staff has concluded that the proposed action is consistent with the NRC's unrestricted release criteria specified in 10 CFR 20.1402. Because the proposed action will not significantly impact the quality of the human environment, the NRC staff concludes that the proposed action is the preferred alternative.

Agencies and Persons Consulted

NRC provided a draft of this EA to the Commonwealth of Puerto Rico, Department of Health for review on October 29, 2008. On December 8, 2008, Commonwealth of Puerto Rico, Department of Health responded by e-mail. The State agreed with the conclusions of the EA, and otherwise had no comments.

The NRC staff has determined that the proposed action is of a procedural nature, and will not affect listed species or critical habitat. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. The NRC staff has also determined that the proposed action is not the type of activity that has the potential to cause effects on historic properties. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

III. Finding of No Significant Impact

The NRC staff has prepared this EA in support of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

IV. Further Information

Documents related to this action, including the application for license amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The documents related to this action are listed below, along with their ADAMS accession numbers.

1. NUREG–1757, ''Consolidated NMSS Decommissioning Guidance;''
2. Title 10 Code of Federal Regulations, Part 20, Subpart E, ''Radiological Criteria for License Termination;''
3. Title 10, Code of Federal Regulations, Part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;'' and
4. NUREG–1496, ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities.''
5. Termination request letter dated May 19, 2008, with the ''Radiological Final Status Survey Report'' [ML081690148]
6. Deficiency response letter dated October 3, 2008 [ML082840721]
7. E-mail dated October 17, 2008 re: MDC calculations [ML082940566] with attachment spreadsheet [ML082940570]

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.* These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Region I at 475 Allendale Road, King of Prussia, PA this 30th day of December 2008.

For the Nuclear Regulatory Commission.

Pamela Henderson,

Chief, Medical Branch, Division of Nuclear Materials Safety, Region I.

[FR Doc. E9–94 Filed 1–7–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[DOCKET NO. 52–033]

Detroit Edison Company; Notice of Hearing, and Opportunity To Petition for Leave To Intervene and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation on a Combined License for Fermi 3

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, ''Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders,'' 10 CFR Part 50, ''Domestic Licensing of Production and Utilization Facilities,'' and 10 CFR Part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' notice is hereby given that a hearing will be held, at a time and place to be set in the future by the U.S. Nuclear Regulatory Commission (NRC, the Commission) or designated by the Atomic Safety and Licensing Board (Board). The hearing will consider the application dated September 18, 2008, filed by Detroit Edison Company, pursuant to Subpart C of 10 CFR Part 52, for a combined license (COL). The application, which was supplemented by letters dated October 27, 2008, November 11, 2008, and November 20, 2008, requests approval of a COL for the Fermi Nuclear Power Plant, Unit 3, to be located in Monroe County, Michigan. The application was accepted for docketing on November 25, 2008. The docket number established for this COL application is 52–033. The Fermi COL application references the application for certification of the Economic Simplified Boiling Water Reactor (ESBWR) design, which was initially submitted on August 24, 2005. The ESBWR design is the subject of an ongoing rulemaking under Docket Number 52–010.

The hearing will be conducted by a Board that will be designated by the Chairman of the Atomic Safety and Licensing Board Panel or will be conducted by the Commission. Notice as to the membership of the Board will be published in the **Federal Register** at a later date. The NRC staff will complete a detailed technical review of the COL application and will document its findings in a safety evaluation report. The Commission will refer a copy of the application to the Advisory Committee on Reactor Safeguards (ACRS) in accordance with 10 CFR 52.87, ''Referral to the ACRS,'' and the ACRS will report on those portions of the application that concern safety. The NRC staff will also prepare an Environmental Impact Statement, as required by 10 CFR 51.20(b)(2).

Any person whose interest may be affected by this proceeding and who desires to participate as a party to this proceeding must file a written petition for leave to intervene in accordance with 10 CFR 2.309. Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

A petition for leave to intervene must be filed no later than 60 days from the

date of publication of this notice in the **Federal Register**. Non-timely filings will not be entertained absent a determination by the Commission or presiding officer designated to rule on the petition, pursuant to the requirements of 10 CFR 2.309(c)(1)(i)–(viii).

All documents filed in NRC adjudicatory proceedings, including petitions to intervene and requests to participate as an interested government entity under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule, which was promulgated by the NRC on August 28, 2007 (72 FR 49139). The E-Filing process requires participants to submit and serve documents over the internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the petitioner must contact the Office of the Secretary by e-mail at *HearingDocket@nrc.gov,* or by calling (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each participant will need to download the Workplace Forms Viewer ™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer ™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html*. Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html*.

Once a participant has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html*. A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-filing system may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html* or by calling the NRC Meta-System Help Desk, which is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays. The toll-free help line number is 1–866–672–7640. A person filing electronically may also seek assistance by sending an e-mail to *MSHD.Resource@nrc.gov*.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition should be granted and/or the contentions should be admitted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii). To be timely, filings must be submitted no later than 11:59 p.m. Eastern Standard Time on the due date.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp*, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home telephone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Any person who files a motion pursuant to 10 CFR 2.323 must consult with counsel for the applicant and counsel for the NRC staff who are listed below. Counsel for the applicant is Bruce R. Maters, 313–235–7481, *Matersb@dteenergy.com.* Counsel for the NRC staff in this proceeding is Marcia Carpentier, (301) 415–4126, *Marcia.Carpentier@nrc.gov*.

A person who is not a party may be permitted to make a limited appearance by making an oral or written statement of his or her position on the issues at any session of the hearing or any pre-hearing conference within the limits and conditions fixed by the presiding officer, but may not otherwise participate in the proceeding. These limited appearance statements need not be submitted using the E-filing process.

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and will be accessible electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link at the NRC Web site *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS or who encounter problems in accessing documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov*. The application is available at *http://www.nrc.gov/reactors/new-reactors/col/Fermi.html*. The ADAMS accession number for the

application cover letter is ML081300460. The ADAMS accession numbers for supplemental letters are ML0831203285, ML083190539, and ML083530798. To search for documents in ADAMS using the Fermi COL application docket numbers, 52–033, enter the term ''05200033'' in the ''Docket Number'' field when using either the web-based search (advanced search) engine or the ADAMS find tool in Citrix. The ESBWR design certification can be found by going to *http://www.nrc.gov/reactors/new-licensing/design-cert/esbwr.html* or by accessing our ADAMS Advanced Web Search and entering ''05200010'' in the ''Docket Number'' field to search for documents linked to the ESBWR design certification application.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation

1. This order contains instructions regarding how potential parties to this proceeding may request access to documents containing sensitive unclassified information (including Sensitive Unclassified Non-Safeguards Information (SUNSI) and Safeguards Information (SGI)).

2. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party as defined in 10 CFR 2.4 who believes access to SUNSI or SGI is necessary for a response to the notice may request access to SUNSI or SGI. A ''potential party'' is any person who intends or may intend to participate as a party by demonstrating standing and the filing of an admissible contention under 10 CFR 2.309. Requests submitted later than 10 days will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

3. The requester shall submit a letter requesting permission to access SUNSI and/or SGI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The e-mail address for the Office of the Secretary and the Office of the General Counsel are *HearingDocket@nrc.gov* and *OGCmail@nrc.gov*, respectively.[1] The request must include the following information:

a. A description of the licensing action with a citation to this **Federal Register** notice of hearing and opportunity to petition for leave to intervene;

b. The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in (a);

c. If the request is for SUNSI, the identity of the individual requesting access to SUNSI and the requester's need for the information in order to meaningfully participate in this adjudicatory proceeding, particularly why publicly available versions of the application would not be sufficient to provide the basis and specificity for a proffered contention;

d. If the request is for SGI, the identity of the individual requesting access to SGI and the identity of any expert, consultant or assistant who will aid the requester in evaluating the SGI, and information that shows:

(i) Why the information is indispensable to meaningful participation in this licensing proceeding; and

(ii) The technical competence (demonstrable knowledge, skill, experience, training or education) of the requester to understand and use (or evaluate) the requested information to provide the basis and specificity for a proffered contention. The technical competence of a potential party or its counsel may be shown by reliance on a qualified expert, consultant or assistant who demonstrates technical competence as well as trustworthiness and reliability, and who agrees to sign a non-disclosure affidavit and be bound by the terms of a protective order; and

e. If the request is for SGI, Form SF–85, ''Questionnaire for Non-Sensitive Positions,'' Form FD–258 (fingerprint card), and a credit check release form completed by the individual who seeks access to SGI and each individual who will aid the requester in evaluating the SGI. For security reasons, Form SF–85 can only be submitted electronically, through a restricted-access database. To obtain online access to the form, the requester should contact the NRC's Office of Administration at 301–415–0320.[2] The other completed forms must be signed in original ink, accompanied by a check or money order payable in the amount of $191.00 to the U.S. Nuclear Regulatory Commission for each individual, and mailed to the U.S. Nuclear Regulatory Commission, Office of Administration, Security Processing Unit, Mail Stop TWB–05 B32M, Washington, DC 20555–0012.

These forms will be used to initiate the background check, which includes fingerprinting as part of a criminal history records check. Note: copies of these forms do *not* need to be included with the request letter to the Office of the Secretary, but the request letter should state that the forms and fees have been submitted as described above.

4. To avoid delays in processing requests for access to SGI, all forms should be reviewed for completeness and accuracy (including legibility) before submitting them to the NRC. Incomplete packages will be returned to the sender and will not be processed.

5. Based on an evaluation of the information submitted under items 2 and 3.a through 3.d, above, the NRC staff will determine within 10 days of receipt of the written access request whether (1) there is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding, and (2) there is a legitimate need for access to SUNSI or need to know the SGI requested. For SGI, the need to know determination is made based on whether the information requested is necessary (*i.e.*, indispensable) for the proposed recipient to proffer and litigate a specific contention in this NRC proceeding[3] and whether the proposed recipient has the technical competence (demonstrable knowledge, skill, training, education, or experience) to evaluate and use the specific SGI requested in this proceeding.

6. If standing and need to know SGI are shown, the NRC staff will further determine based upon completion of the background check whether the proposed recipient is trustworthy and reliable. The NRC staff will conduct (as

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI and/or SGI under these procedures should be submitted as described in this paragraph.

[2] The requester will be asked to provide his or her full name, social security number, date and place of birth, telephone number, and email address. After providing this information, the requester usually should be able to obtain access to the online form within one business day.

[3] Broad SGI requests under these procedures are thus highly unlikely to meet the standard for need to know; furthermore, staff redaction of information from requested documents before their release may be appropriate to comport with this requirement. These procedures do not authorize unrestricted disclosure or less scrutiny of a requester's need to know than ordinarily would be applied in connection with an already-admitted contention.

necessary) an inspection to confirm that the recipient's information protection systems are sufficient to protect SGI from inadvertent release or disclosure. Recipients may opt to view SGI at the NRC's facility rather than establish their own SGI protection program to meet SGI protection requirements.

7. A request for access to SUNSI or SGI will be granted if:

a. The request has demonstrated that there is a reasonable basis to believe that a potential party is likely to establish standing to intervene or to otherwise participate as a party in this proceeding;

b. The proposed recipient of the information has demonstrated a need for SUNSI or a need to know for SGI, and that the proposed recipient of SGI is trustworthy and reliable;

c. The proposed recipient of the information has executed a Non-Disclosure Agreement or Affidavit and agrees to be bound by the terms of a Protective Order setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI and/or SGI; and

d. The presiding officer has issued a protective order concerning the information or documents requested.[4] Any protective order issued shall provide that the petitioner must file SUNSI or SGI contentions 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI or SGI contentions by that later deadline.

8. If the request for access to SUNSI or SGI is granted, the terms and conditions for access to sensitive unclassified information will be set forth in a draft protective order and affidavit of non-disclosure appended to a joint motion by the NRC staff, any other affected parties to this proceeding,[5] and the petitioner(s). If the diligent efforts by the relevant parties or petitioner(s) fail to result in an agreement on the terms and conditions for a draft protective order or non-disclosure affidavit, the relevant parties to the proceeding or the petitioner(s) should notify the presiding officer within 5 days, describing the obstacles to the agreement.

9. If the request for access to SUNSI is denied by the NRC staff or a request for access to SGI is denied by NRC staff either after a determination on standing and need to know or, later, after a determination on trustworthiness and reliability, the NRC staff shall briefly state the reasons for the denial. Before the Office of Administration makes an adverse determination regarding access, the proposed recipient must be provided an opportunity to correct or explain information. The requester may challenge the NRC staff's adverse determination with respect to access to SUNSI or with respect to standing or need to know for SGI by filing a challenge within 5 days of receipt of that determination with (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer. In the same manner, an SGI requester may challenge an adverse determination on trustworthiness and reliability by filing a challenge within 15 days of receipt of that determination.

In the same manner, a party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of such a request.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[6]

10. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI and/or SGI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR Part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

Dated at Rockville, Maryland, this 2nd day of January 2009.

For the Nuclear Regulatory Commission.

J. Samuel Walker,

Acting Secretary of the Commission.

Attachment 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information in This Proceeding

Day	Event/activity
0	Publication of FEDERAL REGISTER notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) and/or Safeguards Information (SGI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding; demonstrating that access should be granted (*e.g.*, showing technical competence for access to SGI); and, for SGI, including application fee for fingerprint/background check.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI and/or SGI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).

[4] If a presiding officer has not yet been designated, the Chief Administrative Judge will issue such orders, or will appoint a presiding officer to do so.

[5] Parties/persons other than the requester and the NRC staff will be notified by the NRC staff of a favorable access determination (and may participate in the development of such a motion and protective order) if it concerns SUNSI and if the party/person's interest independent of the proceeding would be harmed by the release of the information (*e.g.*, as with proprietary information).

[6] As of October 15, 2007, the NRC's final ''E-Filing Rule'' became effective. *See* Use of Electronic Submissions in Agency Hearings (72 FR 49139; August 28, 2007). Requesters should note that the filing requirements of that rule apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI/SGI requests submitted to the NRC staff under these procedures.

Day	Event/activity
20	Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows (1) need for SUNSI or (2) need to know for SGI. (For SUNSI, NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents). If NRC staff makes the finding of need to know for SGI and likelihood of standing, NRC staff begins background check (including fingerprinting for a criminal history records check), information processing (preparation of redactions or review of redacted documents), and readiness inspections.
25	If NRC staff finds no ''need,'' ''need to know,'' or likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds ''need'' for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
190	(Receipt +180) If NRC staff finds standing, need to know for SGI, and trustworthiness and reliability, deadline for NRC staff to file motion for Protective Order and draft Non-disclosure Affidavit (or to make a determination that the proposed recipient of SGI is not trustworthy or reliable). NOTE: Before the Office of Administration makes an adverse determination regarding access, the proposed recipient must be provided an opportunity to correct or explain information.
205	Deadline for petitioner to seek reversal of a final adverse NRC staff determination either before the presiding officer or another designated officer.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI and/or SGI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI and/or SGI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI or SGI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI and/or SGI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
B	Decision on contention admission.

[FR Doc. E9–111 Filed 1–7–09; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59175; File No. SR–FINRA–2008–066]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Reflect the Closing of the FINRA/NSX Trade Reporting Facility on December 31, 2008

December 30, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 23, 2008, Financial Industry Regulatory Authority, Inc. (''FINRA'') (f/k/a National Association of Securities Dealers, Inc. (''NASD'')) filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. FINRA submitted the proposed rule change under Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)[3] thereunder, which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA's proposed rule change reflects the closing of the FINRA/NSX Trade Reporting Facility (the ''FINRA/NSX TRF'') as of the close of business on December 31, 2008. The text of the proposed rule change is attached as Exhibit 5.[4]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] The Commission notes that while provided in Exhibit 5 to the filing, the text of the proposed rule change is not attached to this notice but is available at FINRA, the Commission's Public Reference Room, and at *http://www.finra.org*.

and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The FINRA/NSX TRF was approved by the SEC[5] and commenced operation in November 2006 to provide members a mechanism for reporting locked-in trades in NMS stocks, as defined in Rule 600(b)(47) of SEC Regulation NMS, effected otherwise than on an exchange. The National Stock Exchange, Inc. (''NSX''), the ''Business Member'' under the FINRA/NSX Trade Reporting Facility LLC Agreement (the ''LLC Agreement''),[6] has determined to close the FINRA/NSX TRF for business reasons, and as of the close of business on December 31, 2008, the FINRA/NSX TRF will cease accepting trade reports.[7]

FINRA members have been given notice of the anticipated closing and were further notified that any members using the FINRA/NSX TRF to report trades are required to find an alternative mechanism to satisfy their trade reporting obligations. FINRA and NSX staff are working to ensure that members reporting trades to the FINRA/NSX TRF are transitioned to another FINRA facility. Notwithstanding the closing of the FINRA/NSX TRF, FINRA is able to fulfill all of its regulatory obligations with respect to over-the-counter trade reporting through its other facilities, i.e., the Alternative Display Facility, the FINRA/Nasdaq Trade Reporting Facility and the FINRA/NYSE Trade Reporting Facility (the ''FINRA/NYSE TRF'').

Accordingly, FINRA is proposing to delete the FINRA Rule 6300B and 7200B Series relating to trade reporting to the FINRA/NSX TRF and the FINRA Rule 7600B Series relating to fees and credits for use of the FINRA/NSX TRF from the Consolidated FINRA Rulebook.[8] FINRA also is proposing to delete the LLC Agreement from its manual. The proposed rule change will ensure that FINRA rules accurately reflect only the FINRA facilities that are available to members for trade reporting.

In addition, to eliminate gaps in the numbering of the Consolidated FINRA Rulebook, FINRA is proposing to renumber the FINRA Rule 6200C, 7300C and 7600C Series relating to the FINRA/NYSE TRF as the Rule 6200B, 7300B and 7600B Series. FINRA is proposing no substantive changes to those rules.[9]

FINRA has filed the proposed rule change for immediate effectiveness and requested a waiver of the 30-day operative delay so that the proposed rule change will be operative on January 1, 2009.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[10] which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that by deleting rules upon the closing of the FINRA/NSX TRF, the proposed rule change will prevent potential member confusion and trade reporting errors and violations.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

FINRA has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[11] and subparagraph (f)(6) of Rule 19b–4 thereunder.[12] Because FINRA has designated the foregoing proposed rule change as one that: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. FINRA has asked the Commission to waive the 30-day operative delay to expedite the deletion of rules that apply to the FINRA/NSX TRF, a FINRA facility that will cease operations on December 31, 2008. FINRA believes that the deletion of the rule will prevent potential member confusion, and trade reporting errors and violations.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal will delete rules that apply to the FINRA/NSX TRF, a FINRA facility that will cease operations

[5] *See* Securities Exchange Act Release No. 54715 (November 6, 2006), 71 FR 66354 (November 14, 2006) (order approving SR–NASD–2006–108).

[6] FINRA notes that the LLC Agreement appears in its manual as the NASD/NSX Trade Reporting Facility LLC Agreement.

[7] Although the FINRA/NSX TRF will cease operating on December 31, 2008, pursuant to the termination provisions in the LLC Agreement, the FINRA/NSX Trade Reporting Facility LLC will continue its corporate existence until no later than November 17, 2009.

[8] On September 25, 2008, the SEC approved proposed rule change SR–FINRA–2008–021, which adopts the NASD Marketplace Rules (the NASD Rule 4000 through 7000 Series) as the FINRA Rule 6000 through 7000 Series in the Consolidated FINRA Rulebook. *See* Securities Exchange Act Release No. 58643 (September 25, 2008), 73 FR 57174 (October 1, 2008) (order approving SR–FINRA–2008–021; SR–FINRA–2008–022; SR–FINRA–2008–026; SR–FINRA–2008–028; and SR–FINRA–2008–029) (the ''Consolidation Proposals''). The Consolidation Proposals were implemented on December 15, 2008. *See Regulatory Notice* 08–57 (October 2008).

[9] On November 5, 2008, the SEC approved proposed rule change SR–FINRA–2008–011, which amends the FINRA Rule 6300B and 7200B Series (relating to the FINRA/NSX TRF) and the FINRA Rule 6300C and 7200C Series (relating to the FINRA/NYSE TRF). *See* Securities Exchange Act Release No. 58903 (November 5, 2008), 73 FR 67905 (November 17, 2008) (order approving SR–FINRA–2008–011); and Securities Exchange Act Release No. 58903A (November 13, 2008), 73 FR 69700 (November 19, 2008) (correction to order approving SR–FINRA–2008–011). The implementation date of SR–FINRA–2008–011 will be announced in a *Regulatory Notice* and will be between six and nine months from the date of SEC approval.

Additionally, FINRA filed proposed rule change SR–FINRA–2008–060 for immediate effectiveness on December 11, 2008 (available at *http://www.finra.org/Industry/Regulation/RuleFilings/2008/P117527*). SR–FINRA–2008–060 amends the FINRA Rule 6300B and 6300C Series and will be operative 30 days after the date of filing.

The changes to the FINRA/NSX TRF rules adopted pursuant to SR–FINRA–2008–011 and SR–FINRA–2008–060 will not be implemented. FINRA will file a separate proposed rule change to make conforming changes to the FINRA/NYSE TRF rules, as renumbered pursuant to this filing, in accordance with SR–FINRA–2008–011 and SR–FINRA–2008–060.

[10] 15 U.S.C. 78*o*–3(b)(6).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6).

[13] As required under Rule 19b–4(f)(6)(iii), the Exchange has provided the Commission with written notice of its intent to file the proposed rule change at least five business days prior to the filing of the proposed rule change.

on December 31, 2008.[14] Accordingly, the Commission believes that the proposal will ensure that FINRA's rules accurately reflect the FINRA trade reporting facilities that will be in operation currently and available to accept trade reports. For these reasons, the Commission designates the proposal to be operative on filing with the Commission.

At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/sro.shtml);* or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2008–066 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2008–066. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *(http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing will also be available for inspection and copying at the principal office of the self-regulatory organization. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2008–066 and should be submitted on or before January 29, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Florence E. Harmon,

Acting Secretary.

[FR Doc. E9–82 Filed 1–7–09; 8:45 am]

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[14] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59183; File No. SR–FINRA–2008–68]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Pilot Regarding the Use of Multiple MPIDs on the Trade Reporting Facilities and the Alternative Display Facility

December 30, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on December 29, 2008, Financial Industry Regulatory Authority, Inc. (''FINRA'') (f/k/a National Association of Securities Dealers, Inc. (''NASD'')) filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to extend through January 29, 2010, the current rules regarding the use of multiple Market Participant Symbols (''MPIDs'') in FINRA Rules 6160 (with respect to Trade Reporting Facilities (''TRFs'')) and 6170 (with respect to the Alternative Display Facility (''ADF'')).

The text of the proposed rule change is available at FINRA's Web site at *http://www.finra.org*, at the principal offices of FINRA and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

(a) FINRA Rule 6160

Rule 6160 (Multiple MPIDs for Trade Reporting Facility Participants) provides that any Trade Reporting Facility Participant that wishes to use more than one MPID for purposes of reporting trades to a TRF must submit a written request to, and obtain approval from, FINRA Operations for such additional MPIDs. In addition, Supplementary Material to the rule states that FINRA considers the issuance of, and trade reporting with, multiple MPIDs to be a privilege and not a right. A Trade Reporting Facility Participant must identify the purpose(s) and system(s) for which the multiple MPIDs will be used. If FINRA determines that the use of multiple MPIDs is detrimental to the marketplace, or that a Trade Reporting Facility Participant is using one or more additional MPIDs improperly or for other than the purpose(s) identified by the Participant, FINRA staff retains full discretion to limit or withdraw its grant of the additional MPID(s) to such Trade

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

Reporting Facility Participant for purposes of reporting trades to a TRF. FINRA believes that Rule 6160 is necessary to consolidate the process of issuing, and tracking the use of, multiple MPIDs used to report trades to TRFs.

The Commission initially approved Rule 6160 (formerly NASD Rule 5140 and IM–5140) on a pilot basis on November 6, 2006.[4] By its terms, the pilot period expired on January 26, 2007. In 2007 and 2008, the pilot period was extended for additional one-year periods until January 25, 2008 and January 30, 2009, respectively.[5] FINRA believes that an additional one-year extension until January 29, 2010, is necessary to provide additional time to analyze the use of multiple MPIDs on the TRFs. FINRA is not proposing any other changes to the pilot as this time.

(b) FINRA Rule 6170

Rule 6170 (Primary and Additional MPIDs for Alternative Display Facility Participants) provides that a Registered Reporting ADF ECN may request additional MPIDs for displaying quotes and orders and reporting trades through the ADF trade reporting facility, TRACS, for any ADF-Eligible Security. Registered Reporting ADF ECNs that are permitted the use of additional MPIDs for displaying quotes and orders are subject to the same rules applicable to the member's first quotation (i.e., ECNs that display one or more additional quotes/orders are required to comply with all rules applicable to ECNs in their display of quotes/orders). Registered Reporting ADF ECNs also are prohibited from using an additional MPID to accomplish indirectly what they are prohibited from doing directly through their Primary MPID. In addition, FINRA staff retains full discretion to determine whether a bona fide regulatory and/or business need exists for being granted an additional MPID privilege and to limit or withdraw the additional MPID display privilege at any time. The procedures for requesting, and the restrictions surrounding the use of, multiple MPIDs are set forth in Supplementary Material to the rule.

Rule 6170 (formerly NASD Rule 4613A(b) and IM–4613A–1) was adopted on a pilot basis on August 11, 2006.[6] By its terms, the initial pilot period expired on January 26, 2007.[7] In 2007 and 2008, the pilot period was extended for additional one-year periods until January 25, 2008 and January 30, 2009, respectively.[8] FINRA believes that an additional one-year extension until January 29, 2010, is necessary to provide additional time to analyze the use of multiple MPIDs on the ADF. FINRA is not proposing any other changes to the pilot as this time.

FINRA has filed the proposed rule change for immediate effectiveness. The implementation date of the proposed rule change will be January 30, 2009.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[9] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change is consistent with these requirements because it will provide a process by which ECNs (in the case of the ADF) and Trade Reporting Facility Participants (in the case of TRFs) can request, and FINRA can properly allocate, the use of additional MPIDs for displaying quotes and orders through the ADF or reporting trades to a TRF.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–FINRA–2008–68 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2008–68. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the

[4] *See* Securities Exchange Act Release No. 54715 (November 6, 2006), 71 FR 66354 (November 14, 2006); *see also* Securities Exchange Act Release No. 54715A (November 14, 2006), 71 FR 67183 (November 20, 2006) (correcting original approval order).

[5] *See* Securities Exchange Act Release No. 55206 (January 31, 2007), 72 FR 5479 (February 6, 2007) and Securities Exchange Act Release No. 57217 (January 28, 2008), 73 FR 6234 (February 1, 2008), respectively.

[6] *See* Securities Exchange Act Release No. 54307 (August 11, 2006), 71 FR 47551 (August 17, 2006).

[7] The expiration of the pilot period coincided with the expiration of the ADF pilot period. *See* Securities Exchange Act Release No. 53699 (April 21, 2006), 71 FR 25271 (April 28, 2006). On January 26, 2007, the Commission approved a proposed rule change to make the ADF rules permanent. *See* Securities Exchange Act Release No. 55181 (January 26, 2007), 72 FR 5093 (February 2, 2007).

[8] *See* Securities Exchange Act Release No. 55206 (January 31, 2007), 72 FR 5479 (February 6, 2007) and Securities Exchange Act Release No. 57217 (January 28, 2008), 73 FR 6234 (February 1, 2008), respectively.

[9] 15 U.S.C. 78*o*–3(b)(6).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing. FINRA complied with this requirement.

Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing will also be available for inspection and copying at the principal office of the self-regulatory organization. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2008–68 and should be submitted on or before January 29, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Acting Secretary.

[FR Doc. E9–83 Filed 1–7–09; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law (Pub. L.) 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes a revision to an OMB-approved information collection.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize the burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, e-mail, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and the SSA Reports Clearance Officer to the addresses or fax numbers listed below.

(OMB) Office of Management and Budget, *Attn:* Desk Officer for SSA, *Fax:* 202–395–6974, *e-mail address: OIRA_Submission@omb.eop.gov*.

(SSA) Social Security Administration, DCBFM, *Attn:* Reports Clearance Officer, 1332 Annex Building, 6401 Security Blvd., Baltimore, MD 21235, *Fax:* 410–965–6400, *e-mail address: OPLM.RCO@ssa.gov*.

I. The information collection below is pending at SSA. SSA will submit it to OMB within 60 days from the date of this notice. Therefore, your comments would be most helpful if you submit them to SSA within 60 days from the date of this publication. Individuals can obtain copies of the collection instrument by calling the SSA Reports Clearance Officer at 410–965–3758 or by writing to the e-mail address listed above.

Administrative Review Process for Adjudicating Initial Disability Claims—20 CFR 404.961, 405.330, 405.366, 404.950, 405.332, 404.949, 405.334, 404.957(a), 405.380(a), 405.381, 405.382, 405.425(b), 404.982, 405.505, 404.987, 405.601(b), 404.988 and 405.601(b)—0960–0710. SSA collects information to establish (1) The claimant's right to administrative review, (2) the severity of the claimant's alleged impairments, and (3) the State Disability Determination Services (DDSs) performance level. SSA uses the information collected by these regulations to determine entitlement and/or eligibility to disability insurance benefits and/or Supplemental Security Income (SSI) and to permit appeals of these determinations. The respondents are applicants for Title II disability insurance benefits and/or SSI payments.

Type of Request: Revision of an OMB-approved information collection.

Section No.	Number of respondents	Frequency of response	Average burden per response	Estimated annual burden (hours)
404.961	11,725	1	20 minutes	3,908
405.330	396	1	20 minutes	132
405.366	99	1	20 minutes	33
404.950(d)	1,040	1	20 minutes	347
404.949	2,868	1	1 hour	2,868
405.334	20	1	1 hour	20
404.957(a)	20,395	1	10 minutes	3,399
405.380(a)	646	1	10 minutes	108
405.381 and 405.382	37	1	30 minutes	19
405.425(b)	200	1	1 hour	200
404.982	1,317	1	30 minutes	659
404.987 and 404.988	10,610	1	30 minutes	5,305
405.601(b)	52	1	30 minutes	26
Totals	49,405			17,024

II. SSA has submitted the information collections listed below to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer at 410–965–3758, or by writing to the above listed address.

Modified Benefit Formula Questionnaire—Foreign Pension—0960–0561. SSA uses the information collected on Form SSA–308 to determine exactly how much (if any) of a foreign pension may be used to reduce

[12] 17 CFR 200.30–3(a)(12).

the amount of Title II Social Security retirement or disability benefits under the modified benefit formula. The respondents are applicants for Title II Social Security retirement or disability benefits who have foreign pensions.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 13,452.

Frequency of Response: 1.

Average Burden per Response: 10 minutes.

Estimated Annual Burden: 2,242 hours.

This is a correction notice: SSA inadvertently published the incorrect burden information for this collection on September 17, 2008 at 73 FR 53919.

Dated: January 5, 2009.

John Biles,

Reports Clearance Officer, Center for Reports Clearance, Social Security Administration.

[FR Doc. E9–129 Filed 1–7–09; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 6476]

Certification Related to Libya Under Section 654(b) of the State, Foreign Operations, and Related Programs Appropriations Act, 2008 (Div. J. Pub. L. 110–161)

Summary: The Secretary of State certified to the Committees on Appropriation on December 24, 2008 that Libya has met the requirements stipulated in Section 654(b) of the State, Foreign Operations, and Related Programs Appropriations Act of 2008.

Dated: January 2, 2009.

Jeffrey Feltman,

Acting Assistant Secretary of State for Near Eastern Affairs, Department of State.

[FR Doc. E9–126 Filed 1–7–09; 8:45 am]

BILLING CODE 4710–31–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2008–25755]

Operating Limitations at New York Laguardia Airport; Notice of Order

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of amendment to Order.

SUMMARY: The Federal Aviation Administration (FAA) is amending the Order Limiting Operations at New York LaGuardia Airport (LGA) that published on December 27, 2006, and was amended on November 8, 2007, and August 19, 2008. This amendment extends the expiration date to October 24, 2009.

DATES: This amendment is effective on January 8, 2009.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this Order contact: Gerry Shakley, System Operations Services, Air Traffic Organization, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; *telephone:* (202) 267–9424; *facsimile:* (202) 267–7277; *email: gerry.shakley@faa.gov.* For legal questions concerning this Order contact: Rebecca B. MacPherson, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; *telephone:* (202) 267–7240; *facsimile:* (202) 267–7971; *email: rebecca.macpherson@faa.gov.*

SUPPLEMENTARY INFORMATION:

Availability of Rulemaking Documents

You may obtain an electronic copy using the Internet by:

(1) Searching the Federal eRulemaking Portal *(http://www.regulations.gov)*;

(2) Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies/;* or

(3) Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html.*

You also may obtain a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the amendment number or docket number of this rulemaking.

Background

Due to LaGuardia's limited runway capacity, the airport cannot accommodate the number of flights that airlines and others would like to operate without causing significant congestion. The FAA has long limited the number of arrivals and departures at LaGuardia during peak demand periods through the promulgation and implementation of the High Density Rule (HDR).[1] By statute enacted in April 2000, the HDR's applicability to LaGuardia operations terminated as of January 1, 2007.[2]

In anticipation of the HDR's expiration, the FAA proposed a long-term rule that would limit the number of scheduled and unscheduled operations at LaGuardia.[3] Because the FAA could not complete that rulemaking by January 1, 2007, the FAA issued an Order on December 27, 2006, adopting temporary limits pending the completion of the rulemaking.[4] This Order was amended on November 8, 2007, and August 19, 2008.[5]

Under the Order, as amended, the FAA (1) maintains the current hourly limits on scheduled (75) and unscheduled (three) operations at LaGuardia during peak period; (2) imposes an 80 percent minimum usage requirement for OAs with defined exceptions; (3) provides a mechanism for withdrawal of OAs for FAA operational reasons; (4) provides for a lottery to reallocate withdrawn, surrendered, or unallocated OAs; and (5) allows for trades and leases of OAs for consideration for the duration of the Order. Without the operational limitations imposed by this Order, the FAA expected severe congestion related delays would occur at LGA and at other airports throughout the National Airspace System (NAS) resulting from capacity constraints at LGA.

On October 10, 2008, the FAA published the ''Congestion Management Rule for LaGuardia Airport'' final rule (''Congestion Management Rule'').[6] The Congestion Management Rule would have become effective on December 9, 2008. The Congestion Management Rule imposes limitations on scheduled and unscheduled operations.

Several parties petitioned for review of the Congestion Management Rule and sought a stay of that rule.[7] On December 8, 2008, the United States Court of Appeals for the District of Columbia Circuit stayed the Congestion Management Rule, which rendered it temporarily ineffective. To prevent this Order from expiring prior while the litigation is pending, the FAA has concluded that it is necessary to extend

[1] 33 FR 17896 (Dec. 3, 1968). The FAA codified the rules for operating at high density traffic airports in 14 CFR part 93, subpart K. The HDR required carriers to hold a reservation, which came to be known as a ''slot,'' for each takeoff or landing under instrument flight rules at the high density traffic airports.

[2] Aviation Investment and Reform Act for the 21st Century (AIR–2 1), Public Law 106–181 (Apr. 5, 2000), 49 U.S.C. 41715(a)(2).

[3] 71 FR 51360 (August 29, 2006); Docket FAA–2006–25709. The FAA subsequently published a Supplemental Notice of Proposed Rulemaking. 73 FR 20846 (Apr. 17, 2008).

[4] 71 FR 77854.

[5] 72 FR 63224; 73 FR 48428.

[6] 73 FR 60574; amended by 73 FR 66517, Nov. 10, 2008.

[7] Port Auth. of New York & *New Jersey* v. *Fed. Aviation Admin.,* No. 08–1329, consolidated with 08–1331, 08–1332, 08–1333, 08–1343, 08–1344, 08–1355, & 08–1371 (D.C. Cir. filed Oct. 10, 2008).

the expiration date of this Order to October 24, 2009. This expiration date coincides with the expiration dates for the Orders limiting scheduled operations at John F. Kennedy International and Newark Liberty International Airports.

Therefore, the FAA finds that notice and comment procedures under 5 U.S.C. section 553(b) are impracticable and contrary to the public interest. The FAA further finds that good cause exists to make this Order effective in less than 30 days.

The Amended Order

The Order, as amended, is recited below in its entirety.

A. Scheduled Operations

With respect to scheduled operations at LaGuardia:

1. The final Order governs scheduled arrivals and departures at LaGuardia from 6 a.m. through 9:59 p.m., Eastern Time, Monday through Friday and from 12 noon through 9:59 p.m., Eastern Time, Sunday.

2. The final Order takes effect on January 1, 2007, and will expire on October 24, 2009.

3. The FAA will assign operating authority to conduct an arrival or a departure at LaGuardia during the affected hours to the air carrier that holds equivalent slot or slot exemption authority under the High Density Rule of FAA slot exemption rules as of January 1, 2007; to the primary marketing air carrier in the case of AIR–21 small hub/nonhub airport slot exemptions; or to the air carrier operating the flights as of January 1, 2007, in the case of a slot held by a non carrier. The FAA will not assign operating authority under the final Order to any person or entity other than a certificated U.S. or foreign air carrier with appropriate economic authority under 14 CFR part 121, 129 or 135. The Chief counsel of the FAA will be the final decision maker regarding the initial assignment of Operating Authorizations.

4. For administrative tracking purposes only, the FAA will assign an identification number to each Operating Authorization.

5. An air carrier can lease or trade an Operating Authorization to another carrier for any consideration, not to exceed the duration of the Order. Notice of a trade or lease under this paragraph must be submitted in writing to the FAA Slot Administration Office, facsimile (202) 267–7277 or e-mail *7–AWASlotadmin@faa.gov,* and must come from a designated representative of each carrier. The FAA must confirm and approve these transactions in writing prior to the effective date of the transaction. However, the FAA will approve transfers between carriers under the same marketing control up to 5 business days after the actual operation. This post-transfer approval is limited to accommodate operational disruptions that occur on the same day of the scheduled operation.

6. Each air carrier holding an Operating Authorization must forward in writing to the FAA Slot Administration Office a list of all Operating Authorizations held by the carrier along with a listing of the Operating Authorizations actually operated for each day of the two-month reporting period within 14 days after the last day of the two-month reporting period beginning January 1 and every two months thereafter. Any Operating Authorization not used at least 80 percent of the time over a two-month period will be withdrawn by the FAA except:

A. The FAA will treat as used any Operating Authorization held by an air carrier on Thanksgiving Day, the Friday following Thanksgiving Day, and the period from December 24 through the first Saturday in January.

B. The FAA will treat as used any Operating Authorization obtained by an air carrier through a lottery under paragraph 7 for the first 120 days after allocation in the lottery.

C. The Administrator of the FAA may waive the 80 percent usage requirement in the event of a highly unusual and unpredictable condition which is beyond the control of the air carrier and which affects carrier operations for a period of five consecutive days or more.

7. In the event that Operating Authorizations are withdrawn for nonuse, surrendered to the FAA or are unassigned, the FAA will determine whether any of the available Operating Authorizations should be reallocated. If so, the FAA will conduct a lottery using the provisions specified under 14 CFR 93.225. The FAA may retime an Operating Authorization prior to reallocation in order to address operational needs. When the final Order expires, any Operating Authorizations reassigned under this paragraph, except those assigned to new entrants or limited incumbents, will revert to the FAA for reallocation according to the reallocation mechanism prescribed in the final rule that succeeds the final Order.

8. If the FAA determines that a reduction in the number of allocated Operating Authorizations is required to meet operational needs, such as reduced airport capacity, the FAA will conduct a weighted lottery to withdraw Operating Authorizations to meet a reduced hourly or half-hourly limit for scheduled operations. The FAA will provide at least 45 days' notice unless otherwise required by operational needs. Any Operating Authorization that is withdrawn or temporarily suspended will, if reallocated, be reallocated to the air carrier from which it was taken, provided that the air carrier continues to operate scheduled service at LaGuardia.

9. The FAA will enforce the final Order through an enforcement action seeking a civil penalty under 49 U.S.C. 46301(a). An air carrier that is not a small business as defined in the Small Business Act, 15 U.S.C. 632, would be liable for a civil penalty of up to $25,000 for every day that it violates the limits set forth in the final Order. An air carrier that is a small business as defined in the Small Business Act would be liable for a civil penalty of up to $10,000 for every day that it violates the limits set forth in the final Order. The FAA also could file a civil action in U.S. District Court, under 49 U.S.C. 46106, 46107, seeking to enjoin any air carrier from violating the terms of the final Order.

B. Unscheduled Operations [8]

With respect to unscheduled flight operations at LaGuardia, the FAA adopts the following:

1. The final order applies to all operators of unscheduled flights, except helicopter operations, at LaGuardia from 6 a.m. through 9:59 p.m., Eastern Time, Monday through Friday and from 12 noon through 9:59 p.m., Eastern Time, Sunday.

2. The final Order takes effect on January 1, 2007, and will expire on October 24, 2009.

3. No person can operate an aircraft other than a helicopter to or from LaGuardia unless the operator has received, for that unscheduled operation, a reservation that is assigned by the David J. Hurley Air Traffic Control System Command Center's Airport Reservation Office (ARO). Additional information on procedures for obtaining a reservation will be

[8] Unscheduled operations are operations other than those regularly conducted by an air carrier between LaGuardia and another service point. Unscheduled operations include general aviation, public aircraft, military, charter, ferry, and positioning flights. Helicopter operations are excluded from the reservation requirement. Reservations for unscheduled flights operating under visual flight rules (VFR) are granted when the aircraft receives clearance from air traffic control to land or depart LaGuardia. Reservations for unscheduled VFR flights are not included in the limits for unscheduled operators.

available via the Internet at *http://www.flyfaa.gov/ecvrs.*

4. Three (3) reservations are available per hour for unscheduled operations at LaGuardia. The ARO will assign reservations on a 30-minute basis.

5. The ARO receives and processes all reservation requests. Reservations are assigned on a ''first-come, first-served'' basis, determined as of the time that the ARO receives the request. A cancellation of any reservation that will not be used as assigned would be required.

6. Filing a request for a reservation does not constitute the filing of an instrument flight rules (IFR) flight plan, as separately required by regulation. After the reservation is obtained, an IFR flight plan can be filed. The IFR flight plan must include the reservation number in the ''remarks'' section.

7. Air Traffic Control will accommodate declared emergencies without regard to reservations. Nonemergency flights in direct support of national security, law enforcement, military aircraft operations, or public use aircraft operations will be accommodated above the reservation limits with the prior approval of the Vice President, System Operations Services, Air Traffic Organization. Procedures for obtaining the appropriate reservation for such flights are available via the Internet at *http://www.fly.faa.gov/ecvrs.*

8. Notwithstanding the limits in paragraph 4, if the Air Traffic Organization determines that air traffic control, weather, and capacity conditions are favorable and significant delay is not likely, the FAA can accommodate additional reservations over a specific period. Unused operating authorizations can also be temporarily made available for unscheduled operations. Reservations for additional operations are obtained through the ARO.

9. Reservations cannot be bought, sold, or leased.

Issued in Washington, DC on December 31, 2008.

Rebecca B. MacPherson,

Assistant Chief Counsel for Regulations.

[FR Doc. E8–31462 Filed 1–7–09; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at Monroe Regional Airport, Monroe, LA

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Request for Public Comment.

SUMMARY: The FAA proposes to rule and invites public comment on the release of land at Monroe Regional Airport under the provisions of Title 49, U.S.C. Section 47153(c).

DATES: Comments must be received on or before February 9, 2009.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Lacey D. Spriggs, Manager, Federal Aviation Administration, Southwest Region, Airports Division, LA/NM Airports Development Office, ASW–640, Fort Worth, Texas 76193–0640.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mayor James F. Mayo at the following address: Office of the Mayor, P.O. Box 123, Monroe, LA 71210.

FOR FURTHER INFORMATION CONTACT: Lacey D. Spriggs, Manager, Federal Aviation Administration, LA/NM Airports Development Office, ASW–640, 2601 Meacham Blvd., Fort Worth, Texas 76193–0640.

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the Monroe Regional Airport.

On December 22, 2008, the FAA determined that the request to release property at Monroe Regional Airport submitted by the City of Monroe met the procedural requirements of the Federal Aviation Regulations, Part 155. The FAA may approve the request, in whole or in part, no later than February 2, 2009.

The following is a brief overview of the request:

The City of Monroe, Louisiana requests the release of 5.00 acres of airport property. The release of property will allow for construction of a new facility for office space and warehouse for Stephan Manufacturing, LLC to proceed. The sale is estimated to provide $106,563.00 whereas the proceeds will be used to continue the Bermuda Release Program and used to upgrade and expand the security camera system at the Passenger Terminal Building.

Any person may inspect the request in person at the FAP office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Monroe Regional Airport, Monroe, Louisiana.

Issued in Fort Worth, Texas on December 23, 2008.

Kelvin L. Solco,

Manager, Airports Division.

[FR Doc. E8–31463 Filed 1–7–09; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–1026X]

Bellingham International Railroad, LLC—Abandonment Exemption—in Whatcom County, WA

Bellingham International Railroad, LLC (BIR), has filed a verified notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 2-mile line of railroad between milepost 2.98 and milepost 4.98 in Bellingham, Whatcom County, WA.[1] The line traverses United States Postal Service Zip Code 98225 and includes no stations.

BIR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has been handled on the line for at least 2 years;[2] (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

[1] In 1998, BIR acquired the exclusive rail service easement over the line and all track, track materials, and related structures. *See Bellingham International Railroad LLC—Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 33635 (STB served Aug. 4, 1998).

[2] According to BIR, the line is stub-ended and not capable of handling overhead traffic.

Where, as here, BIR is abandoning all of its rail lines, the Board does not normally impose labor protection under 49 U.S.C. 10502(g), unless the evidence indicates the existence of: (1) A corporate affiliate that will continue substantially similar rail operations; or (2) a corporate parent that will realize substantial financial benefits over and above relief from the burden of deficit operations by its subsidiary railroad. *See Wellsville, Addison & Galeton R. Corp.—Abandonment,* 354 I.C.C. 744 (1978); and *Northampton and Bath R. Co.—Abandonment,* 354 I.C.C. 784 (1978). Because BRI does not appear to have a corporate affiliate or parent that will continue similar operations or that could benefit from the proposed abandonment, employee protective conditions will not be imposed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on February 7, 2009, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[3] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[4] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by January 21, 2009. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 28, 2009,[5] with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to BIR's representative: Karl Morell, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

BIR has filed environmental and historic reports that address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by January 13, 2009. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BIR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BIR's filing of a notice of consummation by January 8, 2010, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: January 2, 2009.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Kulunie L. Cannon,

Clearance Clerk.

[FR Doc. E9–107 Filed 1–7–09; 8:45 am]

BILLING CODE 4915–01–P

[3] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[4] Effective July 18, 2008, the filing fee for an OFA increased to $1,500. *See Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2008 Update,* STB Ex Parte No. 542 (Sub-No. 15) (STB served June 18, 2008).

[5] BIR states that the property underlying the line's right-of-way may be reversionary, which may affect the transfer of the property for other than rail or rail-banking purposes.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

30-Day Notice and Request for Comments

AGENCY: Surface Transportation Board, DOT.

ACTION: 30-day notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* (PRA), the Surface Transportation Board (Board) gives notice that it is requesting from the Office of Management and Budget (OMB) an extension of approval without change of the seven existing collections described below.

Comments are requested concerning each collection as to (1) whether the particular collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility; (2) the accuracy of the Board's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) 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, when appropriate.

DATES: Written comments are due on February 9, 2009.

ADDRESSES: Written comments should be identified as ''Paperwork Reduction Act Comments, Surface Transportation Board,'' and should refer to the title of the specific collection(s) commented upon. These comments should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Chandana Achanta, Surface Transportation Board Desk Officer, by fax at (202) 395–6974; by mail at Room 10235, 725 17th Street, NW., Washington, DC 20503; or at *Chandana_L._Achanta@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s) contact Scott Decker at (202) 245–0330 or *deckers@stb.dot.gov.* [Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.]

Subjects: In this notice the Board is requesting that comments be sent to OMB on the following information collections:

Collection Number 1

Title: Class I Railroad Annual Report.

OMB Control Number: 2140–0009.

Form Number: R1.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Fewer than 10.

Estimated Time per Response: As long as 800 hours, based on information provided by the railroad industry during the 1990s. This estimate includes time spent reviewing instructions; searching existing data sources; gathering and maintaining the data needed; completing and reviewing the collection of information; and converting the data from the carrier's individual accounting system to the Board's Uniform System of Accounts (USOA), which ensures that the information will be presented in a consistent format across all reporting railroads, see 49 U.S.C. 11141–43, 11161–64, 49 CFR 1200–1201. It is likely that the estimated time to produce this report is overstated, given the advances made in computerized data collection and processing systems.

Frequency of Response: Annual.

Total Annual Hour Burden: Up to 5,600 hours annually.

Total Annual ''Non-Hour Burden'' Cost: No ''non-hour cost'' burdens associated with this collection have been identified.

Needs and Uses: Annual reports are required to be filed by Class I railroads under 49 U.S.C. 11145. The reports show operating expenses and operating statistics of the carriers. Operating expenses include costs for right-of-way and structures, equipment, train and yard operations, and general and administrative expenses. Operating statistics include such items as car-miles, revenue-ton-miles, and gross ton-miles. The reports are used by the Board, other Federal agencies, and industry groups to monitor and assess railroad industry growth, financial stability, traffic, and operations, and to identify industry changes that may affect national transportation policy. Information from this report is also entered into the Board's Uniform Rail Costing System (URCS), which is a cost measurement methodology. URCS, which was developed by the Board pursuant to 49 U.S.C. 11161, is used as a tool in rail rate proceedings, in accordance with 49 U.S.C. 10707(d), to calculate the variable costs associated with providing a particular service. The Board also uses this information to more effectively carry out other of its regulatory responsibilities, including: Acting on railroad requests for authority to engage in Board-regulated financial transactions such as mergers, acquisitions of control, and consolidations, see 49 U.S.C. 11323–11324; analyzing the information that the Board obtains through the annual railroad industry waybill sample, see 49 CFR 1244; measuring off-branch costs in railroad abandonment proceedings, in accordance with 49 CFR 1152.32(n); developing the ''rail cost adjustment factors,'' in accordance with 49 U.S.C. 10708; and conducting investigations and rulemakings.

Information from certain schedules contained in these reports is compiled and published on the Board's Web site, *http://www.stb.dot.gov*. Information in these reports is not available from any other source.

Collection Number 2

Title: Quarterly Report of Revenues, Expenses, and Income—Railroads (Form RE&I).

OMB Control Number: 2140–0013.

Form Number: None.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Fewer than 10.

Estimated Time per Response: 6 hours.

Frequency of Response: Quarterly.

Total Annual Hour Burden: 168 hours annually

Total Annual ''Non Hour Burden'' Cost: No ''non-hour cost'' burdens associated with this collection have been identified.

Needs and Uses: This collection is a report of railroad operating revenues, operating expenses and income items; it is a profit and loss statement, disclosing net railway operating income on a quarterly and year-to-date basis for the current and prior years. See 49 CFR 1243.1. The Board uses the information in this report to ensure competitive, efficient, and safe transportation through general oversight programs that monitor and forecast the financial and operating condition of railroads, and through regulation of railroad rate and service issues and rail restructuring proposals, including railroad mergers, consolidations, acquisitions of control, and abandonments. Information from these reports is used by the Board, other Federal agencies, and industry groups to monitor and assess industry growth and operations, detect changes in carrier financial stability, and identify trends that may affect the national transportation system. Some of the information from these reports is compiled by the Board in our quarterly Selected Earnings Data Report, which is published on the Board's Web site, *http://www.stb.dot.gov*. The information contained in these reports is not available from any other source.

Collection Number 3

Title: Quarterly Condensed Balance Sheet—Railroads (Form CBS).

OMB Control Number: 2140–0014.

Form Number: None.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Fewer than 10.

Estimated Time per Response: 6 hours.

Frequency of Response: Quarterly.

Total Annual Hour Burden: 168 hours annually.

Total Annual ''Non-Hour Burden'' Cost: No ''non-hour cost'' burdens associated with this collection have been identified.

Needs and Uses: This collection shows the balance (quarterly and cumulative) for the current and prior year of the carrier's assets and liabilities, gross capital expenditures, and revenue tons carried. See 49 CFR 1243.2. The Board uses the information in this report to ensure competitive, efficient, and safe transportation through general oversight programs that monitor and forecast the financial and operating condition of railroads, and through specific regulation of railroad rate and service issues and rail restructuring proposals, including railroad mergers, consolidations, acquisitions of control, and abandonments. Information from these reports is used by the Board, other Federal agencies, and industry groups to assess industry growth and operations, detect changes in carrier financial stability, and identify trends that may affect the national transportation system. Revenue ton-miles, which are reported in these reports, are compiled and published by the Board in its quarterly Selected Earnings Data Report, which is published on the Board's Web site, *http://www.stb.dot.gov*. The information contained in these reports is not available from any other source.

Collection Number 4

OMB Control Number: 2140–0004.

Title: Report of Railroad Employees, Service and Compensation (Wage Forms A and B).

Form Number: None.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Fewer than 10.

Estimated Time per Response: As long as 30 hours per quarterly report and 40 hours per annual summation, based on information provided by the railroad industry during the 1990s. Again, it is likely that the time required to collect this information is overstated given the advances made in computerized data collection and processing systems.

Frequency of Response: Quarterly, with an annual summation.

Total Annual Hour Burden: Up to 1120 hours annually.

Total Annual ''Non-Hour Burden'' Cost: No ''non-hour cost'' burdens associated with this collection have been identified.

Needs and Uses: This collection shows the number of employees, service hours, and compensation, by employee group (*e.g.*, executive, professional, maintenance-of-way and equipment, and transportation), of the reporting railroads. See 49 CFR 1245. The information is used by the Board to forecast labor costs and measure the efficiency of the reporting railroads. The information is also used by the Board to evaluate proposed regulated transactions that may impact rail employees, including mergers and consolidations, acquisitions of control,

purchases, and abandonments. Other Federal agencies and industry groups, including the Railroad Retirement Board, Bureau of Labor Statistics, and Association of American Railroads, use the information contained in the reports to monitor railroad operations. Certain information from these reports is compiled and published on the Board's Web site, *http://www.stb.dot.gov*. The information contained in these reports is not available from any other source.

Collection Number 5

Title: Monthly Report of Number of Employees of Class I Railroads (Wage Form C).

OMB Control Number: 2140–0007.

Form Number: STB Form 350.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Fewer than 10.

Estimated Time per Response: 1.25 hours.

Frequency of Response: Monthly.

Total Annual Hour Burden: 105 hours annually

Total Annual ''Non-Hour Burden'' Cost: No ''non-hour cost'' burdens associated with this collection have been identified.

Needs and Uses: This collection shows, for each reporting carrier, the average number of employees at mid-month in the six job-classification groups that encompass all railroad employees. See 49 CFR 1246. The information is used by the Board to forecast labor costs and measure the efficiency of the reporting railroads. The information is also used by the Board to evaluate the impact on rail employees of proposed regulated transactions, including mergers and consolidations, acquisitions of control, purchases, and abandonments. Other Federal agencies and industry groups, including the Railroad Retirement Board, Bureau of Labor Statistics, and Association of American Railroads, use the information contained in these reports to monitor railroad operations. Certain information from these reports is compiled and published on the Board's Web site, *http://www.stb.dot.gov*. The information contained in these reports is not available from any other source.

Collection Number 6

Title: Annual Report of Cars Loaded and Cars Terminated.

OMB Control Number: 2140–0011.

Form Number: Form STB–54.

Type of Review: Extension without change.

Number of Respondents: Fewer than 10.

Estimated Time per Response: 4 hours.

Frequency of Response: Annual.

Total Annual Hour Burden: 28 hours annually.

Total Annual ''Non Hour Burden'' Cost: No ''non-hour cost'' burdens associated with this collection have been identified.

Needs and Uses: This collection reports the number of cars loaded and cars terminated on the reporting carrier's line. See 49 CFR 1247. Information in this report is entered into the Board's URCS, the uses of which are explained under Collection Number 1. There is no other source for the information contained in this report.

Collection Number 7

OMB Control Number: 2140–0001.

Title: Quarterly Report of Freight Commodity Statistics (Form QCS).

Form Number: None.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Fewer than 10.

Estimated Time per Response: 217 hours.

Frequency of Response: Quarterly, with an annual summation.

Total Annual Hour Burden: 6,076 hours annually.

Total Annual ''Non-Hour Burden'' Cost: No ''non-hour cost'' burdens associated with this collection have been identified.

Needs and Uses: This collection, which is based on information contained in carload waybills used by railroads in the ordinary course of business, reports car loadings and total revenues by commodity code for each commodity that moved on the railroad during the reporting period. See 49 CFR 1248. Information in this report is entered into the Board's URCS, the uses of which are explained under Collection Number 1. There is no other source for the information contained in this report.

SUPPLEMENTARY INFORMATION: Under the PRA, a Federal agency conducting or sponsoring a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under the PRA and 5 CFR 1320.8, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Section 3507(b) of the PRA requires, concurrent with an agency's submitting a collection to OMB for approval, a 30-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Andrea Pope-Matheson,

Clearance Clerk.

[FR Doc. E9–128 Filed 1–7–09; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35116]

R.J. Corman Railroad Company/ Pennsylvania Lines Inc.—Construction and Operation Exemption—in Clearfield County, PA

ACTION: Notice of Intent to Prepare an Environmental Impact Statement; Notice of Availability of the Draft Scope of Study for the Environmental Impact Statement; Notice of Scoping Meeting; and Request for Comments on Draft Scope.

SUMMARY: On May 20, 2008, R.J. Corman Railroad Company/Pennsylvania Lines Inc. (RJCP) filed a petition with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10502 for authority to construct and operate an abandoned 10.8-mile rail line between Wallaceton Junction and Winburne in Clearfield County, Pennsylvania (the Western Segment) and to rebuild the track on a connecting 9.3-mile line between Winburne and Gorton in Clearfield and Centre Counties, Pennsylvania (the Eastern Segment) that is currently being used for interim trail use, subject to the possible restoration of rail service (rail banking) pursuant to the Trails Act, 16 U.S.C. 1247(d). In total, the proposed project would involve the construction or rebuilding, and operation, of approximately 20 miles of the former Beech Creek Railroad to serve a new quarry, landfill, and industrial park being developed by Resource Recovery, LLC, near Gorton, Pennsylvania.

Because this project has the potential to result in significant environmental impacts, the Board's Section of Environmental Analysis (SEA) has determined that the preparation of an Environmental Impact Statement (EIS) is appropriate pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*). The purpose of this Notice of

Intent is to notify individuals and agencies interested in or affected by the proposed project of the decision to prepare an EIS. SEA will hold a public scoping meeting as part of the NEPA process associated with the development of the EIS. Additionally, as part of the scoping process, SEA has developed a draft Scope of Study for the EIS for review and comment. The public meeting date and location, along with the draft Scope of Study, are provided below:

Date and Location: The public scoping meeting will be held: Tuesday, February 10, 2009, 6–8 p.m., Philipsburg-Osceola Area Senior High School, 502 Philips Street, Philipsburg, PA 16866–1899.

The public scoping meeting will be held in an informal open-house format during which interested persons may ask questions about the proposed project and the Board's environmental review process, and advise SEA staff about potential environmental effects of the project. No formal presentations will be made by agency representatives. SEA staff will be available to answer questions and receive comments individually.

Interested parties are invited to submit written comments on the draft Scope of Study, alternatives to the proposed rail line, and other environmental issues and concerns by February 24, 2009, to assure full consideration during the scoping process. SEA will issue a final Scope of Study after the close of the scoping comment period.

SUPPLEMENTARY INFORMATION:

Background: Simultaneously with the filing of its petition for exemption (which seeks Board authority for both the rail banked Eastern Segment as well as the Western Segment of the proposed rail line), RJCP also filed a motion to dismiss the part of this proceeding that relates to the reactivation of the rail banked Eastern Segment. RJCP argues that reactivation of the rail banked Eastern Segment does not require Board approval under 49 U.S.C. 10901 (or an exemption under 49 U.S.C. 10502) and that therefore, the Board should not perform an environmental review of that segment of the proposed rail line. At this time, the Board has not decided whether reactivation of the Eastern Segment requires Board authority. Although the Board has not yet decided this issue, environmental review of the Eastern Segment is necessary to satisfy the NEPA requirements of one of the Board's cooperating agencies discussed below, and therefore SEA is now issuing this Notice of Intent.

Pursuant to 40 CFR 1501.5 and 1501.6, SEA may request agencies that have jurisdiction under other laws, or agencies that have ''special expertise with respect to any environmental issue,'' to participate as ''cooperating agencies'' in the Board's environmental review process. Cooperating agencies typically make their own decisions regarding a particular project and tend to adopt the environmental analysis prepared by another agency (known as the ''lead'' agency) as the basis for their decision. Where environmental review takes place with cooperating agencies, one environmental document therefore includes information necessary to fulfill the requirements of NEPA and related environmental laws for both the lead and cooperating agencies.

Based on preliminary agency consultations and field reconnaissance of the project area conducted by SEA and its third-party contractor (Skelly and Loy, Inc.), SEA believes that the proposed project could impact resources (i.e., wetlands and watercourses) that fall under the jurisdiction of the U.S. Army Corps of Engineers (Corps). Therefore, SEA has invited the Corps, and the Corps has agreed, to participate as a cooperating agency in the preparation of the EIS for this project. To assure that the Corps has the information it needs to meet all of its responsibilities under NEPA and the Clean Water Act, SEA will conduct an appropriate environmental review of the entire 20 miles of proposed rail line (i.e., both the Eastern and Western Segments), regardless of the Board's decision on RJCP's pending motion to dismiss.

Summary of the Board's Environmental Review Process: The NEPA process is intended to assist the Board and the public in identifying and assessing the potential environmental consequences of a proposed action before a decision on the proposed action is made. SEA is responsible for ensuring that the Board complies with NEPA and related environmental statutes. The first stage of the EIS process is scoping. Scoping is an open process for determining the scope of environmental issues to be addressed in the EIS. As part of the scoping process, SEA has developed, and has made available for public review and comment in this notice, a draft Scope of Study for the EIS. SEA will host a scoping meeting to provide further opportunities for public involvement and input during the scoping process. Interested parties are also encouraged to comment on any potential alternatives for the proposed project. SEA is currently considering four alternatives for the proposed project (construction and operation of the 20 miles of rail line along the former Beech Creek line, two non-rail transportation options for the no-build alternative, and the no-action alternative). At the conclusion of the scoping and comment period, SEA will issue a final Scope of Study for the EIS.

After issuing the final Scope of Study, SEA will prepare a Draft EIS for the project. The Draft EIS will address the environmental issues and concerns identified during the scoping process. It will also contain SEA's preliminary recommendations for environmental mitigation measures. The Draft EIS will be made available upon its completion for review and comment by the public, government agencies, and other interested parties. SEA will then prepare a Final EIS that considers comments on the Draft EIS, sets forth any additional analyses, and makes final recommendations to the Board on appropriate mitigation measures. In reaching its decision in this case, the Board will take into account the Draft EIS, the Final EIS, and all environmental comments that are received.

Filing Environmental Comments: Comments submitted by mail should be addressed to: Danielle Gosselin, Surface Transportation Board, 395 E Street, SW., Washington, DC 20423, *Attention:* Environmental Filing, STB Finance Docket No. 35116.

Comments may also be filed electronically on the Board's Web site, *http://www.stb.dot.gov*, by clicking on the ''E-FILING'' link.

Please refer to STB Finance Docket No. 35116 in all correspondence, including e-filings, addressed to the Board.

All comments must be post marked by February 24, 2009.

FOR FURTHER INFORMATION CONTACT: Danielle Gosselin, Section of Environmental Analysis, Surface Transportation Board, 395 E Street, SW., Washington, DC 20423. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339. The Web site for the Board is *http://www.stb.dot.gov*.

Draft Scope of Study for the EIS

Proposed Action and Alternatives

The Proposed Action is the construction and operation of an abandoned 10.8-mile rail line between Wallaceton Junction and Winburne and the reactivation of track on a connecting 9.3-miles of currently rail banked line between Winburne and Gorton. The approximately 20 miles of track would

allow RJCP to provide rail service to a proposed new quarry, landfill, and industrial park being developed by Resource Recovery, LLC, near Gorton in Rush Township, Centre County, Pennsylvania. The anticipated train traffic would be two trains daily, with one train per day traveling in each direction. The EIS will also analyze the potential impacts of two non-rail transportation options for the no-build alternative and a no-action alternative set forth below.

The reasonable and feasible alternatives that will be evaluated in the EIS are: (1) Construction and operation of the proposed rail line along the former Beech Creek line, (2) no-build alternative option 1 involving the construction of a new interchange on Interstate 80, (3) no-build alternative option 2 involving improving the existing local road system (i.e., road paving, bridge replacement etc.), and (4) the no-action alternative.

Environmental Impact Analysis

Proposed New Construction or Rebuilding and Operation

Analysis in the EIS will address the proposed activities associated with the construction or rebuilding, and operation, of the proposed 20 miles of rail line and potential environmental impacts, as appropriate.

Impact Categories

The EIS will analyze the potential impacts associated with the proposed project on both the human and natural environment, or in the case of the no-action alternative, the lack of these impacts. Impact areas addressed will include the categories of transportation and safety, land use, energy resources, air quality, noise, biological resources including threatened and endangered species, water resources including wetlands and other jurisdictional waters of the U.S., socioeconomics as they relate to physical changes in the environment, recreation, environmental justice, geology and soils, and cultural/historic resources. Other categories of impacts may also be included as a result of comments received during the scoping process or the Draft EIS. The EIS will include a discussion of each of these categories as they currently exist in the project area and will address the potential impacts of each alternative on each category as described below.

1. Transportation and Safety

The EIS will:

a. Evaluate potential pedestrian and motor vehicle safety concerns at each public and private at-grade road crossing.

b. Include a level of service analysis focusing on average vehicle delay time for all grade crossings having an average daily traffic volume greater than 5,000 vehicles.

c. Include an assessment of the appropriate safety appurtenances to be erected at each crossing.

d. Assess the project's operational safety with respect to its close proximity to residential structures.

e. Evaluate the project's consistency with local and regional transportation planning goals.

f. Propose mitigative measures to minimize or eliminate potential impacts to safety, as appropriate.

2. Land Use

The EIS will:

a. Identify existing land uses that would be potentially impacted by the project.

b. Evaluate the project's consistency with local and regional land use planning goals.

c. Propose mitigative measures to minimize or eliminate potential impacts to land use, as appropriate.

3. Energy Resources

The EIS will:

a. Describe the effect of the project on energy resources, recyclable commodities, and overall changes in energy efficiency.

b. Propose mitigative measures to minimize or eliminate potential impacts to energy resources, as appropriate.

4. Air Quality

The EIS will:

a. Quantitatively evaluate rail operation air emissions, if the project would affect a Class I or non-attainment or maintenance area as designated under the Clean Air Act.

b. Qualitatively evaluate the temporary air quality impact resulting from rail line construction activities.

c. Propose mitigative measures to minimize or eliminate potential project impacts to air quality, as appropriate.

5. Noise

The EIS will:

a. Quantitatively evaluate rail operation noise impacts, including the use of any auditory warning devices at public road crossings.

b. Qualitatively evaluate the temporary noise impact resulting from rail line construction activities.

c. Propose mitigative measures to minimize or eliminate potential project impacts to sensitive noise receptors, as appropriate.

6. Biological Resources

The EIS will:

a. Evaluate the existing biological resources within the project area, including vegetative communities, terrestrial and aquatic habitats, and known wildlife species.

b. Evaluate project impacts to any Federal or state threatened and endangered plant or animal species.

c. Describe the proposed project's impact on any wildlife sanctuaries, refuges, national and state parks/forests, or state game lands.

d. Document all coordination conducted with those Federal and state agencies having jurisdiction over biological resources.

e. Propose mitigative measures to avoid, minimize or compensate for potential impacts to biological resources, as appropriate.

7. Water Resources

The EIS will:

a. Describe the existing surface water resources identified within the project area, including all jurisdictional wetlands and watercourses and their regulatory floodplains.

b. Evaluate project impacts to all jurisdictional surface water resources.

c. Document the necessary Federal and state water resource/encroachment permitting requirements that the proposed project will be subject to.

d. Propose mitigative measures to avoid, minimize or compensate for potential impacts to water resources, as appropriate.

8. Socioeconomics

The EIS will:

a. Summarize the existing local and regional socioeconomic conditions, including long-term population, housing and employment metrics.

b. Document the locations of existing community facilities and services identified within the regional project area.

c. Evaluate the proposed project's impact to socioeconomic conditions within the regional project area, including employment gains and losses.

d. Propose mitigative measures to avoid, minimize or compensate for potential impacts to regional socioeconomic factors, as appropriate.

9. Recreation

The EIS will:

a. Identify existing public and private recreational facilities within the project area, and evaluate the proposed project's impact to these recreational facilities.

b. Propose mitigative measures to avoid, minimize, or compensate for potential impacts to recreational facilities, as appropriate.

10. Environmental Justice

The EIS will:

a. Evaluate the potential project impacts on local and regional minority and low-income populations.

b. Propose mitigative measures to minimize or eliminate potential project impacts on environmental justice populations, as appropriate.

11. Geology and Soils

The EIS will:

a. Describe the geologic and soil conditions within the project area, including the status of past and present coal mining operations.

b. Evaluate potential measures to avoid or construct through active surface mined areas.

c. Propose mitigative measures to minimize or eliminate potential project impacts to geology and soils, as appropriate.

12. Cultural/Historic Resources

The EIS will:

a. Document all historic resource eligibility and effect studies conducted pursuant to Section 106 of the National Historic Preservation Act.

b. Document all project coordination with the state historic preservation officer.

c. Propose mitigative measures to minimize or eliminate potential project impacts to cultural/historic resources, as appropriate.

13. Cumulative and Indirect Impacts

The EIS will:

a. Address any identified potential cumulative impacts of the project, as appropriate. Cumulative impacts are the impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such actions (for example, Resource Recovery, LLC's proposed new quarry, landfill and industrial park).

b. Address any identified potential indirect impacts of the project, as appropriate. Indirect impacts are impacts that are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.

Decided: January 2, 2009.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Kulunie L. Cannon,

Clearance Clerk.

[FR Doc. E9–106 Filed 1–7–09; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34554 (Sub-No. 10)]

Union Pacific Railroad Company—Temporary Trackage Rights Exemption—BNSF Railway Company

BNSF Railway Company (BNSF), pursuant to a modified written trackage rights agreement entered into between BNSF and Union Pacific Railroad Company (UP), has agreed to extend the expiration date of the local trackage rights granted to UP [1] over BNSF's line of railroad extending from BNSF milepost 579.3 near Mill Creek, OK, to BNSF milepost 631.1 near Joe Junction, TX, a distance of approximately 51 miles.[2]

The transaction is scheduled to be consummated on January 22, 2009.

The purpose of this transaction is to modify the temporary trackage rights exempted in STB Finance Docket No. 34554 (Sub-No. 8) to further extend the expiration date to on or before December 31, 2009. The modified trackage rights will permit UP to continue to move loaded and empty ballast trains for use in its maintenance-of-way projects.

As a condition to this exemption, any employee affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed by January 15, 2009 (at least 7 days before the exemption becomes effective).

Pursuant to the Consolidated Appropriations Act, 2008, Public Law No. 110–161, § 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: collecting, storing or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting and shredding). The term ''solid waste'' is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34554 (Sub-No. 10), must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Gabriel S. Meyer, Union Pacific Railroad Company, 1400 Douglas Street, STOP 1580, Omaha, NE 68179.

Board decisions and notices are available on our Web site at ''*http://www.stb.dot.gov.*''

Decided: January 2, 2009.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. E9–84 Filed 1–7–09; 8:45 am]

BILLING CODE 4915–01–P

[1] UP submits that the trackage rights being granted here are only temporary rights, but, because they are ''local'' rather than ''overhead'' rights, they do not qualify for the Board's class exemption for temporary trackage rights at 49 CFR 1180.2(d)(8). *See Railroad Consolidation Procedures*, 6 S.T.B. 910 (2003). Therefore, UP and BNSF concurrently have filed a petition for partial revocation of this exemption in STB Finance Docket No. 34554 (Sub-No. 11), *Union Pacific Railroad Company-Temporary Trackage Rights Exemption-BNSF Railway Company*, wherein UP, with the support of BNSF, requests that the Board permit the proposed local trackage rights arrangement described in the present proceeding to expire on or about December 31, 2009. That petition will be addressed by the Board in a separate decision.

[2] The original trackage rights granted in *Union Pacific Railroad Company-Trackage Rights Exemption-The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 34554 (STB served Oct. 7, 2004), also extended from BNSF milepost 579.3 near Mill Creek, OK, to BNSF milepost 631.1 near Joe Junction, TX. By decisions served on November 24, 2004, in STB Finance Docket No. 34554 (Sub-No. 1), on March 25, 2005, in STB Finance Docket No. 34554 (Sub-No. 3), on March 23, 2006, in STB Finance Docket No. 34554 (Sub-No. 5), on March 13, 2007, in STB Finance Docket No. 34554 (Sub-No. 7), and on March 20, 2008, in STB Finance Docket No. 34554 (Sub-No. 9), the Board granted exemptions to permit the trackage rights authorized in STB Finance Docket No. 34554 and extended in STB Finance Docket No. 34554 (Sub-No. 2), served on February 11, 2005, in STB Finance Docket No. 34554 (Sub-No. 4), served on March 3, 2006, in STB Finance Docket No. 34554 (Sub-No. 6), served on January 12, 2007, and in STB Finance Docket No. 34554 (Sub-No. 8), served on January 4, 2008, to expire. At the time of the last extension, it was anticipated by the parties that the rights would expire on or about December 31, 2008. However, this authority has not yet been exercised.

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

December 31, 2008.

The Department of Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the

Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, and 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before February 9, 2009 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1511.

Type of Review: Extension.

Title: REG–209828–96 (TD 8758—Final) Nuclear Decommissioning Funds; Revised Schedules of Ruling Amounts.

Description: The regulations revise the requirements for requesting a schedule of ruling amounts based on a formula or method.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 100 hours.

OMB Number: 1545–0013.

Type of Review: Extension.

Form: 56.

Title: Notice Concerning Fiduciary Relationship.

Description: Form 56 is used to inform the IRS that a person in acting for another person in a fiduciary capacity so that the IRS may mail tax notices to the fiduciary concerning the person for whom he/she is acting. The data is used to ensure that the fiduciary relationship is established or terminated and to mail or discontinue mailing designated tax notices to the fiduciary.

Respondents: Businesses or other for-profits.

Estimated Total Burden Hours: 292,800 hours.

Clearance Officer: Glenn P. Kirkland (202) 622–3428, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Nicholas A. Fraser (202) 395–5887, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Celina Elphage,

Treasury PRA Clearance Officer.

[FR Doc. E9–109 Filed 1–7–09; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES INSTITUTE OF PEACE

Notice of Meeting

AGENCY: United States Institute of Peace.

Date/Time: Friday, January 9, 2009, 10 a.m.–3:30 p.m.

Location: 1200 17th Street, NW., Suite 200, Washington, DC 20036–3011.

Status: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

Agenda: January 9, 2009 Board Meeting; Approval of Minutes of the One Hundred Thirty-First Meeting (October 16, 2008) of the Board of Directors; Chairman's Report; President's Report; Introduction of the Senior Fellows Slate; Education and Training Center; Other General Issues.

Contact: Tessie F. Higgs, Executive Office, *Telephone:* (202) 429–3836.

Dated: December 29, 2008.

Michael Graham,

Executive Vice President, United States Institute of Peace.

[FR Doc. E8–31467 Filed 1–7–09; 8:45 am]

BILLING CODE 6820–AR–M

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Federal Register

Vol. 74, No. 5

Thursday, January 8, 2009

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FEDERAL REGISTER PAGES AND DATE, JANUARY

1–200 2
201–392 5
393–608 6
609–768 7
769–854 8

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
8333 609
8334 611

7 CFR

246 544
1780 393
Proposed Rules:
305 651
319 651
1780 411

8 CFR

103 395
212 395
214 395
245 395
299 395
1001 201
1003 201
1292 201

9 CFR

71 1
83 1
93 1

10 CFR

Proposed Rules:
431 411

14 CFR

11 201
71 769
95 396
97 ..... 202, 205
Proposed Rules:
39 664

15 CFR

744 770
Proposed Rules:
736 413

21 CFR

73 207
101 207
558 6
866 6

22 CFR

215 9

24 CFR

4001 617

26 CFR

1 340
301 340
602 340
Proposed Rules:
1 236
31 789
301 236

29 CFR

2560 17
4044 772

30 CFR

926 217

34 CFR

99 400

37 CFR

Proposed Rules:
201 666

39 CFR

3020 ..... 219, 622

40 CFR

19 626
82 21
180 ..... 629, 634, 637
Proposed Rules:
52 667
257 41

42 CFR

424 166

43 CFR

3500 637

44 CFR

64 ..... 641, 773
65 775
67 ..... 401, 778
Proposed Rules:
67 ..... 238, 241, 244, 245, 246, 247, 789

46 CFR

401 220
Proposed Rules:
197 414

47 CFR

Proposed Rules:
74 61

49 CFR

580 643
Proposed Rules:
1201 248
1242 248
1301 416

50 CFR

648 233

679.....233
Proposed Rules:
17.....419
223.....249
224.....249
660.....252
679.....254