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

WHEN: Tuesday, February 24, 2009
9:00 a.m.–12:30 p.m.

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

RESERVATIONS: (202) 741–6008

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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.

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

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 30, 40, 50, 52, 60, 63, 70, 71, 72, 73, 76, and 150

RIN 3150–AH57

[NRC–2005–0001]

Protection of Safeguards Information; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a rule that appeared in the **Federal Register** on October 24, 2008 (73 FR 63545), that amends the regulations for the protection of Safeguards Information (SGI) to protect SGI from inadvertent release and unauthorized disclosure which might compromise the security of nuclear facilities and materials. This action is necessary to correct an erroneous authority citation.

DATES: Effective February 23, 2009.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rulemaking, Directives, and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone (301) 492–3663, e-mail: *Michael.Lesar@nrc.gov*.

SUPPLEMENTARY INFORMATION: In FR doc. E8–24904, published on October 24, 2008, on page 63571, in the second column, under instruction 20, the authority citation for 10 CFR part 52 is corrected to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2133, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. No. 109–58, 119 Stat. 594 (2005), secs. 147 and 149 of the Atomic Energy Act.

Dated in Rockville, Maryland, this 6th day of February 2009.

For the Nuclear Regulatory Commission.

Michael T. Lesar,

Chief, Rulemaking, Directives, and Editing Branch, Division of Administrative Services, Office of Administration.

[FR Doc. E9–3074 Filed 2–11–09; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 187

Update of August 2001 Overflight Fees

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of establishment of an Aviation Rulemaking Committee on Overflight Fees.

SUMMARY: On December 17, 2008, the Acting Administrator of the Federal Aviation Administration (FAA) approved the Charter of an Aviation Rulemaking Committee (ARC) created for the purpose of consulting with the FAA regarding the cost of providing air traffic control and related services to overflights, and providing advice and recommendations to the Administrator regarding the future level of FAA's Overflight Fees. This Notice includes a copy of the Overflight Fees ARC Charter and information about how to request to participate as a member of the ARC.

FOR FURTHER INFORMATION CONTACT: For more information, please contact Dave Lawhead, Office of Financial Controls (AFC–300), FAA, Washington, DC 20591. E-mail: *Dave.lawhead@faa.gov,* or by phone at (202) 267–9759.

SUPPLEMENTARY INFORMATION: The Overflight Fees ARC Charter is printed in its entirety immediately following this Notice. Please note that, in addition to the Chair, and a Vice-Chair, if one is designated, the ARC will be limited to no more than 15 other members, each of whom will serve totally at their own expense, with no compensation, per diem, or reimbursement of expenses of any kind. If more than 15 air carriers, trade associations, or other system users express an interest in serving on the Committee, membership will be determined by the FAA. In making membership selections, the FAA will consider geographic diversity, operational differences, and the amount of Overflight Fees paid to the FAA by the requester in fiscal year 2008. If you want to be considered for selection as a member of the ARC, you need to notify the contact person listed in this Notice within 30 days of the date of publication of the Notice.

Issued in Washington, DC, on February 5, 2009.

Ramesh K. Punwani,

Assistant Administrator for Financial Services/CFO, Federal Aviation Administration.

Order

Federal Aviation Administration Overflight Fee Aviation Rulemaking Committee Charter

1. Purpose. This order constitutes the charter for the Overflight Fee Aviation Rulemaking Committee (the ''Committee'') that is designated and established pursuant to the Administrator's authority under 49 U.S.C. 106(p)(5).

2. Distribution. This order is distributed at the director level in Washington headquarters and throughout the Office of the Associate Administrator for Financial Services and the Air Traffic Organization.

3. Background. Section 273 of the Federal Aviation Reauthorization Act of 1996, 49 U.S.C. 45301 (the ''1996 Act''), authorized the FAA to impose fees on aircraft that traverse U.S.-controlled airspace but neither take off nor land in the United States. Under the 1996 Act, ''[s]ervices for which costs may be recovered include the costs of air traffic control, navigation, weather services, training and emergency services which are available to facilitate safe transportation over the United States, and other services provided by the Administrator or by programs financed by the Administrator to flights that neither take off nor land in the United States.'' 49 U.S.C. 45301(b)(1)(B). At the time of its enactment, section 273 provided that the FAA Administrator ''shall ensure that each of the [overflight] fees * * * is directly related to the Administration's costs * * * of providing the service rendered.'' 49 U.S.C. 45301(b)(1)(B)(1996). In November 2001, Section 273 was amended to state that the Administrator

''shall ensure that each of the fees * * * is reasonably related to the Administration's costs, as determined by the Administrator, of providing the service rendered * * *.'' Section 119(d) of the Aviation and Transportation Security Act of 2001, Public Law 107–71.

4. Objective. The Administrator deems it appropriate to create the Overflight Fees Aviation Rulemaking Committee to obtain advice and recommendations on the appropriate amounts for future Overflight Fees.

5. Duties. The Committee is to evaluate information regarding the services rendered to overflights by the FAA and the costs of providing those services to overflights, and, based on that evaluation, to make recommendations regarding future overflight fee increases. The Committee shall provide its recommendations to the Administrator by a deadline to be determined by the Chair, which may be modified by the Administrator.

6. Organization and Administration.

a. The Committee shall be led by the Chair, who shall be a full-time employee of the FAA appointed by the Assistant Administrator for Financial Services. The Chair may designate a Vice Chair, who shall not be employed by the FAA and who shall be a representative of foreign air carriers or trade associations of those carriers, or other system users who are subject to Overflight Fees.

b. In addition to the Chair and Vice Chair, the Committee shall be comprised of not more than 15 members, who shall be employees or other representatives of the foreign air carriers (or trade associations of those carriers) or other system users that are subject to the FAA's Overflight Fees. The members shall be selected by the Associate Administrator for Financial Services and, to the extent possible, the membership also shall be geographically diverse and include representatives that conduct primarily enroute overflights and primarily oceanic overflights. Each member may designate one representative and one alternate to serve on the Committee. Each member of the Committee shall have one vote.

c. Members may permit their employees and consultants (including financial, technical and legal professionals) to attend any Committee meeting and review Committee documents.

d. Additional FAA personnel may participate, as directed by the Chair, as adjunct non-members of the Committee.

e. The Assistant Administrator for Financial Services is the sponsor of the Committee. The Associate Administrator for Financial Services shall receive all Committee recommendations and reports. The Associate Administrator shall also be responsible for providing administrative support for the Committee and shall provide a secretariat. The Chair shall be responsible for establishment of the procedures, consistent with this charter, under which the Committee shall operate.

f. Meetings shall be held as frequently as needed, as determined solely by the Chair.

g. The Chair shall arrange notification to all members of the time, place and agenda for any meeting through the secretariat and shall ensure that, to the extent practicable, any materials to be considered at the meeting are distributed to Committee members in advance. The Committee is not required to keep minutes, but the Chair may elect to do so. Committee recommendations to the Administrator must be approved by at least a two-thirds vote of the members. The Chair shall have the right to submit a separate report or recommendation to the Administrator.

7. Compensation. All non-government Committee members shall serve without compensation from the U.S. government, and shall bear all costs related to their participation on the Committee.

8. Public Participation. Unless otherwise decided by the Chair, all meetings of the Committee shall be closed. Interested persons wishing to attend a meeting who are not members of the Committee (or employees or consultants invited by a member) must request and receive approval in advance of the meeting from the Chair.

9. Availability of Records. Subject to the provisions of the Freedom of Information Act, Title 5 U.S.C. 522, records, reports, agendas, working papers, and other documents that are made available to, prepared by, or prepared for the Committee shall be available for public inspection and copying at the FAA Office of Rulemaking, 800 Independence Avenue, SW., Washington, DC 20591. Fees shall be charged for the information furnished to the public in accordance with the fee schedule published in part 7 of title 49, Code of Federal Regulations.

10. Public Interest. The formation of the Committee is determined to be in the public interest in connection with the performance of duties imposed on the FAA by law.

11. Effective Date and Duration. This order is effective immediately. The Committee shall remain in existence for two years after the effective date of this Order unless sooner terminated or extended by the Administrator.

Dated: December 17, 2008.

Robert A. Sturgell,

Acting Administrator.

[FR Doc. E9–2985 Filed 2–11–09; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Children's Products Containing Lead; Exemptions for Certain Electronic Devices; Interim Final Rule

AGENCY: Consumer Product Safety Commission.

ACTION: Interim final rule.

SUMMARY: The Consumer Product Safety Commission (CPSC or Commission) is issuing an interim final rule concerning certain electronic devices for which it is not technologically feasible to meet the lead limits as required under section 101 of the Consumer Product Safety Improvement Act of 2008 (CPSIA), Public Law 110–314, 122 Stat. 3016. By notice published elsewhere in today's **Federal Register**, the Commission is withdrawing the proposed rule on exemptions for certain electronic devices published in the **Federal Register** on January 15, 2009, 74 FR 2435.

DATES: This interim final rule is effective February 10, 2009. Comments must be in writing and should be submitted by March 16, 2009.

ADDRESSES: Comments should be e-mailed to *Sec101ElectronicDevices@cpsc.gov*. Comments should be captioned ''Section 101 Electronic Devices Interim Rule.'' Comments may also be mailed, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East West Highway, Bethesda, Maryland 20814, or delivered to the same address (telephone (301) 504–7923). Comments also may be filed by facsimile to (301) 504–0127.

FOR FURTHER INFORMATION CONTACT: Kristina Hatlelid, PhD., M.P.H., Directorate for Health Sciences, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814; telephone (301) 504–7254, e-mail *khatlelid@cpsc.gov*.

SUPPLEMENTARY INFORMATION:

A. Background

The CPSIA Lead Content Limits

The CPSIA provides for specific lead limits in children's products. Section 101(a) of the CPSIA provides that, by

February 10, 2009, products designed or intended primarily for children 12 and younger may not contain more than 600 ppm of lead. After August 14, 2009, products designed or intended primarily for children 12 and younger cannot contain more than 300 ppm of lead. The limit may be further reduced to 100 ppm after three years, or August 14, 2011, unless the Commission determines that it is not technologically feasible to have this lower limit. A children's product is defined in section 235(a) of the CPSIA as a consumer product designed or intended primarily for children 12 years of age or younger.

Section 101(b)(2) of the CPSIA provides that the lead limits do not apply to component parts of a product that are not accessible to a child. This section specifies that a component part is not accessible if it is not physically exposed by reason of a sealed covering or casing and does not become physically exposed through reasonably foreseeable use and abuse of the product including swallowing, mouthing, breaking, or other children's activities, and the aging of the product, as determined by the Commission. Paint, coatings, or electroplating may not be considered to be a barrier that would render lead in the substrate to be inaccessible to a child. Section 101 (b)(2)(B) further provides that the Commission must promulgate a rule providing guidance with respect to what product components or classes of components will be considered to be inaccessible. A proposed interpretative rule providing guidance on inaccessibility was published in the **Federal Register** on January 15, 2009, 74 FR 2439.

In addition, if the Commission determines that it is not technologically feasible for certain electronic devices to comply with the lead limits, section 101(b)(4) of the CPSIA provides that the Commission may issue requirements by regulation to eliminate or minimize the potential for exposure to and accessibility of lead in such electronic devices, and establish a schedule for achieving full compliance unless the Commission determines that full compliance with the lead limits is not technologically feasible within such a schedule. Technological feasibility is based on the commercial availability of products, technology, or other practices that will allow compliance with the lead limits.

On January 15, 2009, the Commission issued a notice of proposed rulemaking on requirements for certain electronic devices that could not comply with the lead limits due to technologically infeasibility. 74 FR 2435. The comment period ends on February 17, 2009. As discussed below, and by notice published elsewhere in today's **Federal Register**, the Commission is withdrawing that notice of proposed rulemaking.

Stay of Enforcement

Due to substantial confusion by the public and affected businesses regarding implementation of the CPSIA, and as to which testing and certification requirements of the CPSIA apply to which products under the Commission's jurisdiction, and what sort of testing is required where the provisions do apply, on February 2, 2009, the Commission announced a stay of enforcement of testing and certification requirements of certain provisions of subsection 14(a) of the Consumer Product Safety Act (CPSA) as amended by section 102(a) of the CPSIA until February 10, 2010. Although the testing and certification requirements are stayed for manufacturers or importers of children's products, including electronic devices until February 10, 2010, the stay of enforcement did not provide any meaningful relief to manufacturers or importers of children's electronic devices that contain component parts that exceed the lead contents limits due to technological infeasibility. Absent issuance of an immediate interim final rule, such manufacturers and importers would not be able to sell children's electronic devices containing component parts that exceed lead content limits due to technological infeasibility until the issuance of a final rule granting exemptions, and yet such a final rule would necessarily issue after the comment period closes for the notice of proposed rulemaking on February 17, 2009. Because the first lead content limit will go into effect on February 10, 2009, manufacturers, importers, retailers and distributors would not know how to address these electronic products between the February 10, 2009 date and the date of any final rule based on the proposed rule. Therefore, by notice published elsewhere in today's **Federal Register**, the Commission is withdrawing the proposed rulemaking and is issuing this interim final rule to provide certainty regarding exemptions for certain children's electronic devices that are in the stream of commerce and fall within the scope of the exemptions provided in this interim final rule.

B. Discussion

The Interim Final Rule

The CPSIA provides authority for the Commission under section 101(b)(4), to issue regulations concerning certain electronic devices to eliminate or minimize the potential for exposure to and accessibility of lead in such electronic devices if it is not technologically feasible to comply with the lead limits set by the CPSIA. The Commission recognizes that it is currently not technologically feasible for certain parts of electronic devices to comply with the CPSIA lead limits. Accordingly, the Commission is issuing an interim final rule providing exemptions for certain electronic devices.

1. Inaccessible Electronic Devices

Some lead-containing component parts of electronic devices are, by design, not accessible to children because the lead is fully enclosed within a component that is itself within the electronic device. Accessibility of the lead-containing component part may be evaluated through application of the accessibility probes described in 16 CFR 1500.48 and 1500.49, before and after use and abuse tests at 16 CFR 1500.50 through 1500.53 (excluding the bite tests of 1500.51(c) and 1500.52(c)). If a lead-containing component part is not accessible to a child, it is not subject to the lead limits under the CPSIA.

2. Accessible Electronic Devices That Are Exempt

Certain component parts in children's electronic devices cannot be produced without lead due to the lack of technologically feasible substitutions or may require lead for the proper functioning of the component part. However, these component parts may not be able to be made physically inaccessible. An example is a cathode ray tube, in which the lead in the glass protects users from the x-ray radiation generated by the device during normal operation. However, other components could be made to be inaccessible, taking account of normal and reasonably foreseeable use and abuse by children. The Commission expects that manufacturers will continue to assess the technological feasibility of making electronic devices that have accessible component parts which contain lead above the lead content limits inaccessible, and make such component parts inaccessible whenever possible.

To the extent that certain electronic component parts cannot be made inaccessible, the staff has reviewed the exemptions granted under other directives including European Union Directive 2002/95/EC (EU RoHS), and Korea Act for Resource Recycling of Electrical and Electronic Equipment and Vehicles (Korea RoHS), to evaluate

possible exemptions when substitution for lead was not possible due to scientific and technical considerations.[1] These measures are broader, containing limits on allowable lead concentrations, generally 1,000 ppm for lead content, in electronic components and products, without regard to the intended age range of the users. However, the measures also provide for certain exemptions to the allowable lead concentrations for some components.

Staff's review of the use of lead in children's electronic devices showed that in general, lead is added to components in electronic products to take advantage of the unique material properties that lead and lead compounds exhibit including improved ability of the material to be machined and improved corrosion resistance of an alloy. For example, lead is added to copper alloys to adjust its mechanical strength and modulus of elasticity. Lead is added to glass to adjust its index of refraction. Lead also serves to mechanically strengthen glass and in the case of cathode-ray tubes, improve its ability to absorb x-rays. Lead added to bushing and bearing materials acts as a dry lubricant to lower friction in the components during use. Lead is also used to adjust the mechanical properties of electronic connectors.

As a result of these unique properties for lead, the staff determined that it is not technologically feasible for certain components in electronic devices to meet the lead content limits under the CPSIA because the presence of the lead is necessary for proper functioning of certain component parts in electronic devices and substitution of the lead is not yet technologically feasible. Based on staff's review, the Commission has determined that the following exemptions for lead as used in certain components parts in children's electronic devices that do not meet the lead content limits under the CPSIA are currently necessary:

1. Lead blended into the glass of cathode ray tubes, electronic components and fluorescent tubes.

2. Lead used as an alloying element in steel. The maximum amount of lead shall be less than 0.35% by weight (3500 ppm).

3. Lead used in the manufacture of aluminum. The maximum amount of lead shall be less than 0.4% by weight (4000 ppm).

4. Lead used in copper-based alloys. The maximum amount of lead shall be less than 4% by weight (40,000 ppm).

5. Lead used in lead-bronze bearing shells and bushings.

6. Lead used in compliant pin connector systems.

7. Lead used in optical and filter glass.

8. Lead oxide in plasma display panels (PDP) and surface conduction electron emitter displays (SED) used in structural elements; notably in the front and rear glass dielectric layer, the bus electrode, the black stripe, the address electrode, the barrier ribs, the seal frit and frit ring as well as in print pastes.

9. Lead oxide in the glass envelope of Black Light Blue (BLB) lamps.

3. Removable or Replaceable Component Parts

Some components of children's electronic devices may be removable or replaceable. For example, battery packs and light bulbs may be provided as spare or replacement parts. Until such components are installed in the product, lead-containing parts may be accessible to a child. However, the Commission finds that spare parts or other removable components shall be considered inaccessible under the provisions of the CPSIA, provided that the lead-containing component is inaccessible when the product is assembled in functional form or if the component itself meets the criteria for exemption, such as under the exemptions provided herein.

4. Accessible Electronic Devices Which Are Not Exempt

All component parts of children's electronic devices that exceed the CPSIA's specified lead limits which cannot be made inaccessible and that are not exempted on the basis of exemptions adopted by the Commission must comply with the lead limits specified in the CPSIA. The Commission's expectation is that, with the exception of a few particular applications such as cathode ray tubes, many electronic devices will be in compliance with the CPSIA lead provisions either because they already meet the lead content limits or through the exception for inaccessibility of lead-containing component parts. However, to the extent that an accessible component part does not qualify for an exemption, it must continue to meet the CPSIA lead limits.

5. Periodic Review

The Commission will consider all comments received during the comment period as discussed below. In addition, because of the changing state of technology and continuing progress in replacing lead with other substances, and consistent with the mandate to conduct periodic reviews under section 101(b)(5) of the CPSIA, staff will reevaluate the technological feasibility of compliance with the lead limits for children's electronic devices, including the technological feasibility of making accessible component parts inaccessible, and the status of the exemptions, no less than every five years as required by the CPSIA.

C. Impact on Small Businesses

Under the Regulatory Flexibility Act (RFA), when an agency issues a proposed rule, it generally must prepare an initial regulatory flexibility analysis describing the impact the proposed rule is expected to have on small entities. 5 U.S.C. 603. The RFA does not require a regulatory flexibility analysis if the head of the agency certifies that the rule will not have a significant effect on a substantial number of small entities.

The Commission's Directorate for Economic Analysis determined that the exemption for certain specified materials from the requirements of section 101(a) of the CPSIA will not result in any increase in the costs of production for any firm. Its only effect on businesses, including small businesses, will be to reduce the costs that would have been associated with testing the exempted materials. Accordingly, the Commission finds that the proposed rule would not have a significant impact on a substantial number of small entities.

D. Environmental Considerations

Generally, CPSC rules are considered to ''have little or no potential for affecting the human environment,'' and environmental assessments are not usually prepared for these rules (see 16 CFR 1021.5(c)(1)). The interim final rule will not result in any additional use of lead over what is occurring at the present time. Accordingly, the Commission does not expect the proposal to have any negative environmental impact.

E. Executive Orders

According to Executive Order 12988 (February 5, 1996), agencies must state in clear language the preemptive effect, if any, of new regulations. The preemptive effect of regulations such as this proposal is stated in section 18 of

[1] European Union Directive 2002/95/EC and amendments to the directive are available at *http://eur-lex.europa.eu/en/index.htm*. The Korea RoHS is available at *http://www.kece.eu/rohs/kr.htm*. The consideration and application of these limited exemptions from such directives in this interim final rule do not imply that the Commission endorses or supports those directives in any way.

the Federal Hazardous Substances Act. 15 U.S.C. 1261n.

F. Effective Date

The Administrative Procedure Act (APA) requires that a substantive rule must be published not less than 30 days before its effective date, unless it grants an exemption. 5 U.S.C. 553(d)(1). Because this interim final rule grants exemptions from the existing requirements, the effective date is February 10, 2009.

G. Request for Comments

The interim final rule will become effective without prior notice and comment. Notice and comment procedures are not required under the APA when the agency for good cause finds that notice and comment is impracticable, unnecessary or contrary to the public interest. 5 U.S.C. 553(b)(B). The Commission finds that the public notice and comment before the issuance of this interim final rule would have been impracticable given the statutory requirement imposed in the CPSIA that the lead limits go into effect on February 10, 2009, six months after the enactment of the CPSIA, and the inapplicability of the Commission's stay of certain testing certification requirements to lead content limits imposed on these products.

Interested persons are invited to submit comment on the interim final rule. The Commission will consider these comments before issuing final regulations. In addition, comments previously submitted in response to the notice of proposed rulemaking will be considered along with the comments to the interim final rule in this proceeding. Comments should be submitted by March 16, 2009. Comments should be e-mailed to *Sec101ElectronicDevices@cpsc.gov.* Comments should be captioned ''Section 101 Electronic Devices Interim Rule.'' Comments may also be mailed, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East West Highway, Bethesda, Maryland 20814, or delivered to the same address (telephone (301) 504–7923). Comments also may be filed by facsimile to (301) 504–0127.

List of Subjects in 16 CFR Part 1500

Consumer protection, Hazardous materials, Hazardous substances, Imports, Infants and children, Labeling, Law enforcement, and Toys.

■ For the reasons stated above, the Commission amends 16 CFR part 1500 as follows:

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES: ADMINISTRATION AND ENFORCEMENT REGULATIONS

■ 1. The authority citation for part 1500 is revised to read as follows:

Authority: 15 U.S.C. 1261–1278, 122 Stat. 3016.

■ 2. Add a new § 1500.88 to read as follows:

§ 1500.88 Exemptions from lead limits under section 101 of the Consumer Product Safety Improvement Act for Certain Electronic Devices.

(a) The Consumer Product Safety Improvement Act (CPSIA) provides for specific lead limits in children's products. Section 101(a) of the CPSIA provides that by February 10, 2009, products designed or intended primarily for children 12 and younger may not contain more than 600 ppm of lead. After August 14, 2009, products designed or intended primarily for children 12 and younger cannot contain more than 300 ppm of lead. On August 14, 2011, the limit may be further reduced to 100 ppm, unless the Commission determines that it is not technologically feasible to have this lower limit. Paint, coatings or electroplating may not be considered a barrier that would make the lead content of a product inaccessible to a child.

(b) Section 101(b)(4) of the CPSIA provides that if the Commission determines that it is not technologically feasible for certain electronic devices to comply with the lead limits, the Commission must issue requirements by regulation to eliminate or minimize the potential for exposure to and accessibility of lead in such electronic devices and establish a compliance schedule unless the Commission determines that full compliance is not technologically feasible.

(c) Certain lead-containing component parts in children's electronic devices unable to meet the lead limits set forth in paragraph (a) of this section due to technological infeasibility are granted the exemptions that follow in paragraph (d) of this section, provided that use of lead is necessary for the proper functioning of the component part and it is not technologically feasible for the component part to meet the lead content limits set forth in paragraph (a) of this section.

(d) Exemptions for lead as used in certain component parts in children's electronic devices include:

(1) Lead blended into the glass of cathode ray tubes, electronic components and fluorescent tubes.

(2) Lead used as an alloying element in steel. The maximum amount of lead shall be less than 0.35% by weight (3500 ppm).

(3) Lead used in the manufacture of aluminum. The maximum amount of lead shall be less than 0.4% by weight (4,000 ppm).

(4) Lead used in copper-based alloys. The maximum amount of lead shall be less than 4% by weight (40,000 ppm).

(5) Lead used in lead-bronze bearing shells and bushings.

(6) Lead used in compliant pin connector systems.

(7) Lead used in optical and filter glass.

(8) Lead oxide in plasma display panels (PDP) and surface conduction electron emitter displays (SED) used in structural elements; notably in the front and rear glass dielectric layer, the bus electrode, the black stripe, the address electrode, the barrier ribs, the seal frit and frit ring as well as in print pastes.

(9) Lead oxide in the glass envelope of Black Light Blue (BLB) lamps.

(e) Components of electronic devices that are removable or replaceable such as battery packs and light bulbs that are inaccessible when the product is assembled in functional form or are otherwise granted an exemption are not subject to the lead limits in paragraph (a) of this section.

(f) Commission staff is directed to reevaluate and report to the Commission on the technological feasibility of compliance with the lead limits in paragraph (a) of this section for children's electronic devices, including the technological feasibility of making accessible component parts inaccessible, and the status of the exemptions, no less than every five years after publication of a final rule in the **Federal Register** on children's electronic devices.

Dated: February 9, 2009.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. E9–3025 Filed 2–11–09; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

[Docket No. FDA–2008–N–0039]

Implantation or Injectable Dosage Form New Animal Drugs; Flunixin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental abbreviated new animal drug application (ANADA) filed by Cross Vetpharm Group Ltd. The supplemental ANADA provides for the veterinary prescription use of flunixin meglumine solution by intravenous injection in dairy cattle for control of pyrexia associated with acute bovine mastitis.

DATES: This rule is effective February 12, 2009.

FOR FURTHER INFORMATION CONTACT: John K. Harshman, Center for Veterinary Medicine (HFV–104), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–276–8197, e-mail: *john.harshman@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Cross Vetpharm Group Ltd., Broomhill Rd., Tallaght, Dublin 24, Ireland, filed supplemental ANADA 200–387 that provides for veterinary prescription use of FLUNAZINE (flunixin meglumine) Injectable Solution intravenously in dairy cattle for control of pyrexia associated with acute bovine mastitis. The supplemental ANADA is approved as of December 18, 2008, and the regulations are amended in 21 CFR 522.970 to reflect the approval.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

FDA has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subject in 21 CFR Part 522

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 2. In § 522.970, revise paragraphs (b)(2) and (b)(4) to read as follows:

§ 522.970 Flunixin.

* * * * *

(b) * * *

(2) See No. 057561 for use as in paragraphs (e)(1), (e)(2)(i)(A), (e)(2)(ii)(A), and (e)(2)(iii) of this section.

* * * * *

(4) See Nos. 055529, 059130, and 061623 for use as in paragraphs (e)(1) and (e)(2) of this section.

* * * * *

Dated: February 3, 2009.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. E9–2941 Filed 2–11–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 105

[Docket Nos. TSA–2006–24191; USCG–2006–24196]

Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License

AGENCY: United States Coast Guard; DHS.

ACTION: Notice of extension of compliance date, American Samoa, Captain of the Port Zone Honolulu.

SUMMARY: This document informs owners and operators of facilities located on the island of American Samoa within Captain of the Port Zone Honolulu that the date by which they must implement access control procedures utilizing TWIC has been extended to no later than April 14, 2009. This extension is due to the fact that a large percentage of the maritime workforce in American Samoa is not native to the island, and do not need to comply with United States immigration laws.

DATES: The new compliance date for the TWIC regulations found in 33 CFR part 105 for the island of American Samoa in Captain of the Port Zone Honolulu is April 14, 2009.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this document as being available in the docket, are part of dockets TSA–2006–24191 and USCG–2006–24196, and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call LCDR Jonathan Maiorine, telephone 1–877–687–2243. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–493–0402.

SUPPLEMENTARY INFORMATION:

I. Regulatory History

On May 22, 2006, the Department of Homeland Security (DHS), through the United States Coast Guard (Coast Guard) and the Transportation Security Administration (TSA), published a joint notice of proposed rulemaking entitled ''Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License'' in the **Federal Register** (71 FR 29396). This was followed by a 45-day comment period and four public meetings. The Coast Guard and TSA issued a joint final rule, under the same title, on January 25, 2007 (72 FR 3492) (hereinafter referred to as the original TWIC final rule). The preamble to that final rule contains a discussion of all the comments received on the NPRM, as well as a discussion of the provisions found in the original TWIC final rule, which became effective on March 26, 2007.

On May 7, 2008, the Coast Guard and TSA issued a final rule to realign the compliance date for implementation of the Transportation Worker Identification Credential (73 FR 25562). The date by which mariners need to obtain a TWIC, and by which owners and operators of vessels and outer continental shelf facilities must implement access control procedures utilizing TWIC, is April 15, 2009. Owners and operators of facilities that

must comply with 33 CFR part 105 are subject to earlier, rolling compliance dates, as set forth in 33 CFR 105.115(e). The Coast Guard announced the rolling compliance dates, as provided in 33 CFR 105.115(e), at least 90 days in advance via notices published in the **Federal Register**. The final compliance date for all COTP Zones will not be later than April 15, 2009.

On September 30, 2008, we announced the compliance date for COTP Zone Honolulu would be February 12, 2009 (73 FR 56730).

II. Notice of Facility Compliance Date—American Samoa, COTP Zone Honolulu

Title 33 CFR 105.115(e) currently states that ''[f]acility owners and operators must be operating in accordance with the TWIC provisions in this part by the date set by the Coast Guard in a Notice to be published in the **Federal Register**.'' Through this Notice, the Coast Guard informs the owners and operators of facilities subject to 33 CFR 105.115(e) located on American Samoa within COTP Zone Honolulu that the deadline for their compliance with Coast Guard and TSA TWIC requirements has been extended until April 14, 2009.

This extension is being granted due to the fact that approximately 87% of the maritime workers that require TWICs in American Samoa are not native to the island, and do not need to comply with United States immigration laws. They are not issued a visa by the U.S. Department of State (DOS), and therefore they do not meet the immigration standards required for a TWIC, found in 49 CFR 1572.105. This new date provides sufficient time for the Coast Guard, in consultation with TSA, DHS, and DOS, to determine whether there is an equivalent visa category that these workers can use to qualify for a TWIC, or whether the TWIC requirement for facilities in American Samoa needs to be reconsidered, as it was for facilities located in the Commonwealth of the Northern Marianas Islands (72 FR 55043).

We note that this compliance delay ONLY applies to facilities located on the island of American Samoa; facilities subject to 33 CFR part 105 in the remainder of COTP Zone Honolulu must continue to comply with the TWIC requirements beginning February 12, 2009.

You may visit our Web site at *homeport.uscg.mil/twic* for a listing of all compliance dates by COTP Zone. This list is subject to change; any changes in compliance dates will appear on that Web site and be announced in the **Federal Register**.

Dated: February 9, 2009.

Mark P. O'Malley,

Captain, U.S. Coast Guard, Chief, Ports and Facilities Activities.

[FR Doc. E9–3119 Filed 2–10–09; 1:00 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 209

[FRA–2007–28573]

RIN 2130–AB87

Railroad Safety Enforcement Procedures; Enforcement, Appeal and Hearing Procedures for Rail Routing Decisions

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule; clarification.

SUMMARY: On November 26, 2008, FRA published the final rule in this docket that established procedures to enable railroad carriers to challenge rail routing decisions made by FRA's Associate Administrator for Safety. The final rule was published with an immediate effective date. Under applicable federal statutes, this document did not qualify for an immediate effective date.

DATES: The applicability date for the final rule published at 73 FR 72194 was January 15, 2009.

FOR FURTHER INFORMATION CONTACT: Lucinda Henriksen, Office of Chief Counsel, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone 202–493–1345).

SUPPLEMENTARY INFORMATION: The final rule in this proceeding, published on November 26, 2008, indicated that it would be effective upon publication. *See* 73 FR 72194. Pursuant to Section 553 of the Administrative Procedure Act (APA), codified at 5 U.S.C. 553, with certain exceptions, substantive rules cannot take effect less than 30 days after publication, unless the agency finds good cause for doing so and provides a written explanation of any good cause found when the rule is published. FRA provided no justification for the immediate effective date in the published rule document and, in fact, FRA did not intend to avail itself of the good cause exception of 5 U.S.C. 553.

In addition, in accordance with the Congressional Review Act (CRA), at 5 U.S.C. 801(a)(4), a final rule cannot take effect until the rule is submitted to Congress in accordance with 5 U.S.C. 801(a)(1). The rule was submitted to Congress on January 15, 2009.

According to the procedures established by the Administrative Committee of the **Federal Register** under the **Federal Register** Act (44 U.S.C. Chapter 15), the amendments to the Code of Federal Regulations (CFR) set out in this final rule were incorporated into the CFR on November 26, 2008, the effective date of the rule. However, because of the issues with the APA and the CRA, this rule could not become applicable or enforceable until January 15, 2009.

Accordingly, FRA acknowledges that the rule was not effective and enforceable until January 15, 2009. FRA further notes that because the rule establishes procedures that have not yet been utilized, neither the public, nor any regulated entities, were harmed in the interim period between publication of the rule and January 15, 2009.

Issued in Washington, DC, on February 6, 2009.

Jo Strang,

Acting Deputy Administrator.

[FR Doc. E9–3073 Filed 2–11–09; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

RIN 0648–XM03

Fraser River Sockeye Salmon Fisheries; Inseason Orders

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

ACTION: Temporary orders; inseason orders; request for comments.

SUMMARY: NMFS publishes Fraser River salmon inseason orders to regulate salmon fisheries in U.S. waters. The orders were issued by the Fraser River Panel (Panel) of the Pacific Salmon Commission (Commission) and subsequently approved and issued by NMFS during the 2008 salmon fisheries within the U.S. Fraser River Panel Area. These orders established fishing dates, times, and areas for the gear types of U.S. treaty Indian and all citizen fisheries during the period the Panel exercised jurisdiction over these fisheries.

DATES: The effective dates for the inseason orders are set out in this

document under the heading Inseason Orders. Comments will be accepted through February 27, 2009.

ADDRESSES: You may submit comments, identified by 0648–XM03 by any one of the following methods:

Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov*

Fax: 206–526–6736

Mail: NMFS NWR, 7600 Sand Point Way NE, Seattle, WA 98115.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

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

FOR FURTHER INFORMATION CONTACT: Peggy Busby, by phone at 206–526–4323, *peggy.busby@noaa.gov*

SUPPLEMENTARY INFORMATION: The Treaty between the Government of the United States of America and the Government of Canada concerning Pacific Salmon was signed at Ottawa on January 28, 1985, and subsequently was given effect in the United States by the Pacific Salmon Treaty Act (Act) at 16 U.S.C. 3631–3644.

Under authority of the Act, Federal regulations at 50 CFR part 300, subpart F provide a framework for the implementation of certain regulations of the Commission and inseason orders of the Commission's Fraser River Panel for U.S. sockeye and pink salmon fisheries in the Fraser River Panel Area.

The regulations close the U.S. portion of the Fraser River Panel Area to U.S. sockeye and pink salmon fishing unless opened by Panel orders that are given effect by inseason regulations published by NMFS. During the fishing season, NMFS may issue regulations that establish fishing times and areas consistent with the Commission agreements and inseason orders of the Panel. Such orders must be consistent with domestic legal obligations and are issued by Regional Administrator, Northwest Region, NMFS. Official notification of these inseason actions is provided by two telephone hotline numbers described at 50 CFR 300.97(b)(1). The inseason orders are published in the **Federal Register** as soon as practicable after they are issued. Due to the frequency with which inseason orders are issued, publication of individual orders is impractical. Therefore, the 2008 orders are being published in this single document to avoid fragmentation.

Inseason Orders

The following inseason orders were adopted by the Panel and issued for U.S. fisheries by NMFS during the 2008 fishing season. Each of the following inseason actions was effective upon announcement on telephone hotline numbers as specified at 50 CFR 300.97(b)(1); those dates and times are listed herein. The times listed are local times, and the areas designated are Puget Sound Management and Catch Reporting Areas as defined in the Washington State Administrative Code at Chapter 220–22:

Order Number 2008–01: Issued 1 p.m., July 18, 2008

Treaty Indian Fisheries:

Areas 4B, 5 and 6C: Open to drift gillnets from 12 p.m. (noon), Saturday, July 19, 2008 to 12 p.m. (noon), Wednesday, July 23, 2008.

Order Number 2008–02: Issued 1:30 p.m., July 22, 2008

Treaty Indian Fisheries:

Areas 4B, 5 and 6C: Extended for drift gillnets from 12 p.m. (noon), Wednesday, July 23, 2008, to 12 p.m. (noon), Saturday, July 26, 2008.

Order Number 2008–03: Issued 1:30 p.m., July 25, 2008

Treaty Indian Fisheries:

Areas 4B, 5 and 6C: Extended for drift gillnets from 12 p.m. (noon), Saturday, July 26, 2008, to 12 p.m. (noon), Tuesday, July 29, 2008.

Areas 6, 7, and 7A: Open to net fishing from 6 a.m., Sunday, July 27, 2008 to 10 a.m., Monday, July 28, 2008.

All Citizen Fisheries:

Areas 7 and 7A Purse seine: Open from 7 a.m. to 7 p.m., Friday, July 25, 2008.

Areas 7 and 7A Gillnet: Open from 8 a.m. to 8 p.m., Friday, July 25, 2008.

Areas 7 and 7A Reefnet: Open from 6 a.m. to 6 p.m., Monday, July 28, 2008.

Order Number 2008–04: Issued 1:30 p.m., July 28, 2008

Treaty Indian Fishery:

Areas 4B, 5 and 6C: Extended for drift gillnets from 12 p.m. (noon), Tuesday, July 29, 2008 to 12 p.m. (noon), Wednesday, July 30, 2008.

Areas 6, 7, and 7A: Open to net fishing from 12:45 p.m., Monday, July 28, 2008, to 3 p.m., Tuesday, July 29 2008.

All Citizen Fisheries:

Areas 7 and 7A Purse seine: Open from 5 a.m. to 9 p.m., Tuesday, July 29, 2008.

Areas 7 and 7A Reef Net: Open from 5 a.m. to 9 p.m., Tuesday, July 29, 2008.

Areas 7 and 7A Gillnet: Open from 8 a.m. to 12 a.m. (midnight), Tuesday, July 29, 2008.

Order Number 2008–05: Issued 1:30 p.m., July 29, 2008

Treaty Indian Fishery:

Areas 48, 5 and 6C: Extended for drift gillnets from 12 p.m. (noon), Wednesday, July 30, 2008 to 12 p.m. (noon), Saturday, August 2, 2008.

Areas 6, 7, and 7A: Open for net fishing from 3 p.m., Tuesday, July 29, 2008 to 11:59 p.m. (midnight), Thursday, July 31, 2008.

All Citizen Fisheries:

Areas 7 and 7A Purse Seine: Open from 5 a.m. to 9 p.m., Wednesday, July 30, 2008 and from 5 a.m. to 9 p.m., Thursday, July 31, 2008.

Areas 7 and 7A Gillnet: Open from 8 a.m. to 11:59 p.m., Wednesday, July 30, 2008, and from 8 a.m. to 11:59 p.m., Thursday, July 31, 2008.

Areas 7 and 7A Reef Net: Open from 5 a.m. to 9 p.m., Wednesday, July 30, 2008 and from 5 a.m. to 9 p.m., Thursday, July 31, 2008.

Order Number 2008–06: Issued 11:30 a.m., August 1, 2008

Treaty Indian Fisheries:

Areas 4B, 5 and 6C: Previously announced drift gillnet fishery scheduled to close at 12 p.m. (noon), Saturday, August 2, 2008 will close at 6 p.m., Friday, August 1, 2008.

Classification

The Assistant Administrator for Fisheries NOAA (AA), finds that good cause exists for the inseason orders to be issued without affording the public prior notice and opportunity for comment under 5 U.S.C. 553(b)(B) as such prior notice and opportunity for comments is impracticable and contrary to the public interest. Prior notice and opportunity for public comment is impracticable because NMFS has insufficient time to allow for prior notice and opportunity for public comment between the time the stock abundance information is available to

determine how much fishing can be allowed and the time the fishery must open and close in order to harvest the appropriate amount of fish while they are available.

Moreover, such prior notice and opportunity for public comment is impracticable because not closing the fishery upon attainment of the quota would allow the quota to be exceeded and thus compromise the conservation objectives established preseason, and it does not allow fishers appropriately controlled access to the available fish at the time they are available.

The AA also finds good cause to waive the 30–day delay in the effective date, required under 5 U.S.C. 553(d)(3), of the inseason orders. A delay in the effective date of the inseason orders would not allow fishers appropriately controlled access to the available fish at that time they are available.

This action is authorized by 50 CFR 300.97, and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 3636(b).

Dated: February 9, 2009.

Emily H. Menashes,

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

[FR Doc. E9–3055 Filed 2–11–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 0809251266–81485–02]

RIN 0648–XM86

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer

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

ACTION: Temporary rule; inseason quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring a portion of its 2009 commercial summer flounder quota to the Commonwealth of Virginia and the State of New Jersey. By this action, NMFS adjusts the quotas and announces the revised commercial quota for each state involved.

DATES: Effective February 9, 2009 through December 31, 2009.

FOR FURTHER INFORMATION CONTACT: Emily Bryant, Fishery Management Specialist, (978) 281–9244, FAX (978) 281–9135.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.100.

The final rule implementing Amendment 5 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which was published on December 17, 1993 (58 FR 65936), provided a mechanism for summer flounder quota to be transferred from one state to another. Two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS (Regional Administrator), can transfer or combine summer flounder commercial quota under § 648.100(d). The Regional Administrator is required to consider the criteria set forth in § 648.100(d)(3) in the evaluation of requests for quota transfers or combinations.

North Carolina has agreed to transfer 28,952 lb (13,132 kg) of its 2009 commercial quota to Virginia to cover the summer flounder landings of three North Carolina vessels granted safe harbor in Virginia due to mechanical issues between January 2 and January 6, 2009. In addition, North Carolina has agreed to transfer 1,033 lb (469 kg) of its 2009 commercial quota to New Jersey to cover the summer flounder landings of one North Carolina vessel granted safe harbor in New Jersey due to mechanical issues on December 18, 2008. Although this event occurred at the end of the previous fishing year, both states have agreed to apply their transfer amounts to the 2009 quota allocations. The Regional Administrator has determined that the criteria set forth in § 648.100(d)(3) have been met. The revised quotas for calendar year 2009 are: North Carolina, 2,917,924 lb (1,323,184 kg); Virginia, 2,317,924 lb (1,051,393 kg); and New Jersey, 1,796,946 (1,051,393 kg).

Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: February 9, 2009

Emily H. Menashes,

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

[FR Doc. E9–3021 Filed 2–9–09; 4:15 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 080408542–8615–01]

RIN 0648–XM20

Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting Allocation

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

ACTION: Reapportionment of surplus Pacific whiting allocation; request for comments.

SUMMARY: NMFS has determined that 4,000 metric tons (mt) of the shore-based sector allocation and 6,000 mt of the mothership sector allocation would not be used by December 31, 2008. Therefore, NMFS has reapportioned the surplus whiting to the catcher/processor sector of the fishery.

DATES: Effective from 1400 local time (l.t.) November 26, 2008, until December 31, 2008, unless modified, superseded or rescinded. Comments will be accepted through February 27, 2009.

ADDRESSES: You may submit comments, identified by the RIN number 0648–XM20, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov*
- Fax: 206–526–6736, Attn: Becky Renko
- Mail: Barry A. Thom, Acting Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115–0070, Attn: Becky Renko

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

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

FOR FURTHER INFORMATION CONTACT: Becky Renko, telephone: 206 526 6110; fax: 206 526 6736; or, e-mail: *becky.renko@noaa.gov*.

SUPPLEMENTARY INFORMATION: This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California.

The 2008 non-tribal commercial OY for Pacific whiting is 232,545 mt. Regulations at 50 CFR 660.323(a)(2) divide the commercial Pacific whiting optimum yield (OY) into separate allocations for the catcher/processor, mothership, and shore-based sectors. The catcher/processor sector is composed of vessels that harvest and process Pacific whiting. The mothership sector is composed of catcher vessels that harvest Pacific whiting and mothership vessels that process, but do not harvest. The shore-based sector is composed of vessels that harvest Pacific whiting for delivery to land-based processors. Each commercial sector receives a portion of the commercial OY. For 2008 the catcher/processors initially received 34 percent (79,065 mt), the motherships received 24 percent (55,811 mt), and the shore-based sector received 42 percent (97,669 mt).

On November 5, 2008, 20,000 mt of the 97,669 mt shore-based sector's allocation was reapportioned to the catcher/processor and mothership sectors (73 FR 72739, December 1, 2008). The revised Pacific whiting allocations by sector as of November 6, 2008 were: catcher/processor 90,789 mt, mothership 64,087 mt, and shore-based 77,669 mt. On November 18, 2008, an additional 15,000 mt of the shore-based sector's allocation was reapportioned to the catcher/processor sector (73 FR 72739, December 1, 2008). The revised Pacific whiting allocations by sector as of November 18, 2008 were: catcher/processor 105,789 mt, mothership 64,087 mt, and shore-based 62,669 mt.

The best available information on November 26, 2008, indicated that 4,000 mt of the shore-based sector allocation and 6,000 mt of mothership sector allocation would not be used by December 31, 2008. Therefore the surplus Pacific whiting was reapportioned from the shore-based and mothership sectors to the catcher/processor sector on November 26, 2008. Facsimiles directly to fishing businesses and postings on the Northwest Regions internet site were used to provide actual notice to the affected fishers.

NMFS Action

This action announces the reapportionment of 4,000 mt of Pacific whiting from the shore-based sector and 6,000 mt of Pacific whiting from the mothership sector to the catcher/processor sector at 1400 local time November 26, 2008. As of November 26, 2008, the revised Pacific whiting allocations by sector for 2008 were: catcher/processor 115,789 mt, mothership 64,087 mt, and shore-based 77,669 mt.

Classification

The determinations to take these actions were based on the most recent data available. The aggregate data upon which the determinations were based are available for public inspection at the Office of the Regional Administrator (see **ADDRESSES**) during business hours.

This action is authorized by the regulations implementing the FMP. The Assistant Administrator for Fisheries, NMFS, finds good cause to waive the requirement to provide prior notice and opportunity for comment on these actions pursuant to 5 U.S.C. 553 (3)(b)(B), because providing prior notice and opportunity would be impracticable. It would be impracticable because of the need for immediate action. NMFS has determined that providing an opportunity for prior notice and comment would be impractical and contrary to public interest. Delay of this action would leave Pacific whiting unharvested. In addition, the catcher/processors needed an immediate reallocation if they were to keep their workers employed. For these same reasons the agency finds good cause to waive the 30–day delay in effectiveness. These actions are taken under the authority of 50 CFR 660.323(c), and are exempt from review under Executive Order 12866. Actual notice of the reapportionments was provided to the affected fishers.

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

Dated: February 9, 2009.

Emily H. Menashes,

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

[FR Doc. E9–3022 Filed 2–11–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 0811281532–9086–02]

RIN 0648–XL64

Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; 2008–09 Main Hawaiian Islands Bottomfish Total Allowable Catch

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

ACTION: Final specification.

SUMMARY: NMFS specifies a total allowable catch (TAC) for the 2008–09 fishing year of 241,000 lb (109,316 kg) of Deep 7 bottomfish in the main Hawaiian Islands (MHI).

DATES: This final specification is effective March 16, 2009.

ADDRESSES: Copies of the Fishery Management Plan for Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (Bottomfish FMP) and related Environmental Impact Statement are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, or *www.wpcouncil.org*.

An environmental assessment (EA), including a Regulatory Impact Review (RIR), was prepared that describes the impact on the human environment that would result from this action. Copies of the EA are available from *www.regulations.gov*, or William L. Robinson, Regional Administrator, NMFS Pacific Islands Region (PIR), 1601 Kapiolani Blvd. 1110, Honolulu, HI 96814.

FOR FURTHER INFORMATION CONTACT: Toby Wood, Sustainable Fisheries Division, NMFS PIR, 808–944–2234.

SUPPLEMENTARY INFORMATION: This final specification is also accessible at *www.gpoaccess.gov/fr*.

NMFS specifies a TAC for the 2008–09 fishing year of 241,000 lb (109,316 kg) of Deep 7 bottomfish in the MHI, as recommended by the Western Pacific Fishery Management Council (Council). The Council recommended that TAC based on the best available scientific, commercial, and other information, taking into account the associated risk of overfishing. The MHI Management Subarea refers to the portion of U.S. EEZ

around the Hawaiian Archipelago lying to the east of 161° 20' W. long. The Deep 7 bottomfish are onaga (*Etelis coruscans*), ehu (*E. carbunculus*), gindai (*Pristipomoides zonatus*), kalekale (*P. sieboldii*), opakapaka (*P. filamentosus*), lehi (*Aphareus rutilans*), and hapu'upu'u (*Epinephelus quernus*).

When the TAC is projected to be reached, NMFS will close the non-commercial and commercial Deep 7 bottomfish fisheries until the end of the fishing year (August 31, 2009). During a fishery closure for Deep 7 bottomfish, no person may fish for, possess, or sell any of these fish in the MHI, except as otherwise authorized by law. Specifically, fishing for, and the resultant possession or sale of, Deep 7 bottomfish by vessels legally registered to Mau Zone, Ho omalu Zone, or Pacific Remote Island Areas bottomfish fishing permits, and conducted in compliance with all other laws and regulations, are not affected by the closure. There is no prohibition on fishing for or selling other non-Deep 7 bottomfish species throughout the year.

All other management measures continue to apply in the MHI bottomfish fishery. The MHI bottomfish fishery reopened on November 15, 2008, and will continue until August 31, 2009, unless the fishery is closed prior to August 31 as a result of the TAC being reached.

Additional background information on this final specification may be found in the preamble to the proposed specification published on December 10, 2008 (73 FR 75057), and is not repeated here.

Comments and Responses

On December 10, 2008, NMFS published a proposed specification and request for public comments on the MHI bottomfish TAC (73 FR 75057). The comment period ended on December 26, 2008. NMFS received public comment regarding the proposed TAC, and responds as follows:

Comment 1: The proposed TAC specification's estimated 40 percent risk of overfishing is unacceptably high and is inconsistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and National Standard 1. Although the Magnuson-Stevens Act states that a TAC cannot exceed the recommendation of the Council's Scientific and Statistical Committee (SSC), it does not preclude NMFS from selecting an ACL that is lower.

Response: Consistent with National Standard 3 of the Magnuson-Stevens Act, bottomfish in the Hawaiian Archipelago are managed as a unit throughout their range which includes both the MHI and the Northwestern Hawaiian Islands (NWHI) portions of the archipelago. For the purposes of National Standard 1 and status of stock determinations, bottomfish stocks are assessed on an archipelagic-wide basis. Currently, bottomfish stocks in the Hawaiian Archipelago are not overfished and are not subject to overfishing. Establishment of a Deep 7 bottomfish TAC is a precautionary measure to prevent localized stock depletion in the MHI Management Subarea. The updated stock assessment conducted by the NMFS Pacific Islands Fisheries Science Center (PIFSC) in 2008 indicates that the selection of a Deep 7 bottomfish TAC of 241,000 lb (109,316 kg) for the MHI Management Subarea in fishing year 2008–09 results in a zero percent risk of overfishing in the Hawaiian Archipelago. In other words, a TAC of 241,000 lb (109,316 kg) provides a 100 percent probability of preventing overfishing while at the same time allowing for optimum yield to be produced from the fishery.

With respect to the MHI Management Subarea alone, the updated stock assessment indicates that this TAC would have a 40 percent risk of localized stock depletion (i.e., a 60 percent probability of preventing localized stock depletion) in fishing year 2008–09, decreasing to a 25 percent risk of localized stock depletion (i.e., 75 percent probability of preventing localized stock depletion) in fishing year 2009–10. The TAC was specified at a level that balances the need to protect stocks from archipelagic overfishing and localized stock depletion in the MHI, with the need for fishermen to be able to achieve optimum yield from the fishery. Therefore, the TAC of 241,000 lb (109,316 kg) offers a reasonable assurance of preventing overfishing, is consistent with the Magnuson-Stevens Act and National Standard 1, and forms the basis of ongoing management of the fishery through future TACs.

Additionally, other conservation and management efforts have been implemented by Federal and State of Hawaii authorities for the specific purpose of protecting bottomfish stocks of the Hawaiian Archipelago. The Papahanaumokuakea Marine National Monument (Monument) closed much of the historical bottomfish grounds in the NWHI via a network of no-take marine protected areas. Monument provisions also require that all bottomfish fishing in the NWHI cease on June 15, 2011. Thus, bottomfish fishing mortality in the NWHI will be reduced to zero. In addition, the State manages 12 Bottomfish Restricted Fishing Areas in the MHI where bottomfish fishing is prohibited. Together, these measures complement the 2008–09 TAC of 241,000 lb (109,316 kg) for the MHI, and support the long term sustainability of bottomfish stocks throughout the Hawaiian Archipelago.

Comment 2: The Magnuson-Stevens Act stipulates that annual catch limits and TACs should be set to prevent overfishing, but selecting a TAC based on a 40 percent risk of overfishing virtually ensures that it will occur frequently in this sector of the fishery. Although the predicted risk of archipelagic overfishing in the model presented to the Council is negligible, localized depletion is still a matter of serious concern from a biological standpoint.

Response: The TAC specification for the MHI is a precautionary and interim management measure implemented to prevent archipelagic overfishing and localized stock depletion in the MHI, while allowing for optimum yield to be achieved from the fishery on a continual basis. This is distinct from the new provisions of the reauthorized Magnuson-Stevens Act relating to establishment of annual catch limits (ACLs). With few exceptions, National Standard 1 guidelines require FMPs to establish ACL mechanisms and accountability measures (AMs) for all stocks and stock complexes in the fishery. The Council is currently developing alternative mechanisms to establish ACLs for all management unit species, including bottomfish. NMFS continues to work with the Council to develop ACLs and AMs for implementation through future rulemaking.

The specified TAC is projected to have a 100–percent probability of success in preventing archipelagic overfishing, and a 60–percent probability of success in preventing localized stock depletion in the MHI in 2008–09, increasing to a 75–percent probability of success in preventing localized stock depletion in 2009–10. Real-time monitoring of the bottomfish harvest enables NMFS and the State of Hawaii to project when the TAC will be reached and, thus, close the non-commercial and commercial bottomfish fisheries in Federal and State waters, respectively, so that the TAC is not exceeded, further reducing the risk of archipelagic overfishing and localized stock depletion in the MHI.

Comment 3: A multispecies stock assessment, such as that used to assess the Hawaii bottomfish fishery, can mask problems that exist for individual species. Thus, management strategies should be precautionary and

conservative. Also, a 40–percent risk of overfishing for the bottomfish complex, as a whole, may represent an even higher level of risk for fish species that are currently stressed, and particularly for a species with relatively high market values, such as onaga.

Response: While multispecies stock assessments may potentially mask problems that exist for individual species, data that are needed to develop species-specific stock assessments are lacking at this time. National Standard 3 requires management of stocks throughout their range, and for interrelated stocks, management as a unit or in close coordination. In addition, while National Standard 1 requires that MSY should be estimated on a stock-by-stock basis whenever possible, it does provide that in the case of mixed-stock fisheries, MSY can be specified on one or more species as an indicator for the fishery as a whole. NMFS has adopted this multispecies assessment approach for Hawaiian bottomfish stocks, until such time data are sufficient to assess individual species. NMFS will continue to work with the Council, State of Hawaii, and other management partners to improve fishery monitoring programs, and will continually reassess the status of bottomfish stocks and may modify management measures, as needed.

Comment 4: Localized depletion and overfishing of bottomfish stocks is also a matter of concern for the fishing community. Informing MHI bottomfish fishermen that the lack of fish in the MHI is no longer a management concern because there are plenty at distant atolls in the NWHI does nothing to change the amount of fish available to them.

Response: The management measures and distance from population centers provides protection for bottomfish in the NWHI, and the recent archipelagic stock assessment indicates that bottomfish stocks are not overfished or subject to overfishing. Nonetheless, the Council and NMFS are concerned about the status of Deep 7 bottomfish stocks in the MHI. The specified TAC and related management measures, including non-commercial fishing permits, data collection program, and bag limits, considered with the State of Hawaii's commercial data collection program and Bottomfish Restricted Fishing Areas, are intended to better monitor and protect bottomfish in the MHI, while providing adequate opportunity for fishermen to achieve optimum yield.

Comment 5: The American Fisheries Society (AFS) has recommended that fishing mortality for the snapper-grouper complex be maintained ''at or near natural mortality.'' Given the life-history characteristics of bottomfish, and uncertainty about their fishing and natural mortality, additional caution should be exercised with respect to all policy decisions, including selection of an acceptable level of risk of overfishing.

Response: The PIFSC 2008 bottomfish stock assessment incorporated the best available biological information, and updated bottomfish catch and effort data through 2007. The assessment applied a statistical log-linear model to develop a spatially standardized CPUE series for the MHI and estimate bottomfish biomass, catch, and relative biomass for 2008–10. The Council and NMFS considered and discussed the available information, and the specification of a TAC of 241,000 lb (109,316 kg) for the MHI was determined to be consistent with the Magnuson-Stevens Act and National Standards.

Comment 6: NMFS has offered no specific guidance on acceptable levels of risk, although the Magnuson-Stevens Act does specify that it be ''low.'' Discussions at a stock assessment symposium at the 2007 meeting of the AFS suggested that an overall risk of overfishing of 10 percent would be prudent (considering scientific and management uncertainty), and values up to 20 percent could be an acceptable upper limit of risk.

Response: The TAC of 241,000 lb (109,316 kg) provides a 100 percent probability of success in preventing archipelagic overfishing and, in the MHI, a 60 percent probability of success in preventing local stock depletion in fishing year 2008–09, increasing to a 75 percent probability of success in preventing local stock depletion in the MHI in fishing year in 2009–10. The Council and NMFS are required to establish ACLs and AMs for all fisheries by 2011.

Comment 7: The Magnuson-Stevens Act states that proposed TACs should incorporate both scientific and management uncertainty to reduce the risk of overfishing. However, the current risk assessment incorporates only scientific uncertainty, and does not consider management uncertainty (e.g., underreported or incorrectly reported fishing activity). As such, the analysis underestimates the overall risk of overfishing. Additionally, multiple models recently presented at the Council's Scientific and Statistical Committee (SSC) provided divergent conclusions about the state of the present fishery and its likely trajectory under various potential management frameworks. Considering these factors, it is prudent to apply a cautious and conservative management approach until these discrepancies can be resolved.

Response: In addition to the scientific uncertainty considered in the updated stock assessment, when recommending the 2008–09 TAC the Council also considered the lag in fisheries data collection, and considered the possibility that the actual catch would exceed the specified TAC limit. This resulted in the Council recommending a TAC that is less than the 254,000 lb (115,212 kg) TAC that was initially recommended by the Council's SSC. NMFS will continue to monitor the fisheries and update stock assessments, and may modify management measures, if warranted.

Comment 8: At the 143rd Council meeting, the State of Hawaii representative proposed a 2008–09 TAC of 178,000 lb (80,739 kg). This TAC was suggested considering a prudent and low level of risk based on the multispecies nature of the stock assessment, localized depletion of bottomfish stocks and component species in the MHI, life history characteristics of component species, and scientific and management uncertainty. Of the proposed alternatives published in the proposed rule, we note that this is the only TAC that fits within the prudent levels of risk suggested by stock assessment scientists at the AFS meeting.

Response: See responses to comments above. The Council and NMFS specified a TAC of 178,000 lb (80,739 kg) for the 2007–08 fishing year. Considering that the Deep 7 bottomfish fisheries were closed for nearly seven months (from April 16, 2008, to November 15, 2008), and to balance the need to prevent archipelagic overfishing and localized stock depletion with the need to achieve optimum yield, the specified TAC for 2008–09 is higher. The Council and NMFS will consider all information when assessing bottomfish stocks and specifying future TACs, including AFS recommendations.

Classification

The Regional Administrator, NMFS PIR, determined that this final specification is necessary for the conservation and management of the MHI bottomfish fishery and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

A final regulatory flexibility analysis (FRFA) was prepared. The FRFA incorporates the initial regulatory flexibility analysis (IRFA), a summary of the significant issues raised by the public comments in response to the IRFA and NMFS responses to those comments, and a summary of the

analyses completed to support the action. The analysis follows:

NMFS prepared this FRFA for the 2008–09 MHI bottomfish TAC pursuant to section 604 of the Regulatory Flexibility Act. This FRFA incorporates the IRFA, which appeared in its entirety in the Classification section of the proposed rule (73 FR 75057; December 10, 2008) and is not repeated in its entirety here.

The need for, and objectives of, the action are provided in the preambles to the proposed and final specifications. This action does not duplicate, overlap, or conflict with any other Federal rules. There are no reporting, recordkeeping, or other compliance requirements in the final specification. This action is taken under authority of the Magnuson-Stevens Act and implementing regulations at 50 CFR § 665.72. No comments were received on the IRFA.

The Small Business Administration defines a commercial fishing business as a small entity if annual gross receipts are less than $4.0 million. All bottomfish vessels impacted by this specification are considered to be small entities under this definition. There are approximately 380 vessels engaged in the commercial harvest of MHI bottomfish. The majority of the 380 vessels comprising the affected universe are under 30 ft (9.1 m) in length overall. There are no disproportionate economic impacts from this specification based on home port, gear type, or relative vessel size.

Minimizing Economic Impacts on Small Entities

This rule would not have an adverse economic impact to small entities because the 2008–09 TAC of 241,000 lb (109,316 kg), if taken, would produce $3,266 in average per-vessel revenue, as compared to $2,412 in average per-vessel revenue realized for the 2007–08 fishery.

NMFS considered two alternative TACs that were larger than the one specified, including 249,000 lb (112,944 kg) yielding a potential $3,375 in average per-vessel revenue, and 271,000 lb (122,923 kg)yielding a potential $3,673 in average per-vessel revenue. Although both of these alternatives could generate larger average revenues than the selected alternative, their specification could also result in localized depletion of MHI bottomfish, which is inconsistent with National Standard 1 of the Magnuson-Stevens Act.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' As part of this rulemaking process, a small entity compliance guide was prepared. Copies of the small entity compliance guide are available from the Regional Administrator (see **ADDRESSES**) and are also available at *www.fpir.noaa.gov/SFD/SFD_regs_2.html*.

This action is exempt from the procedures of E.O. 12866 because this action contains no implementing regulations.

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

Dated: February 9, 2009.

Samuel D. Rauch III,

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

[FR Doc. E9–3049 Filed 2–11–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 071106673–8011–02]

RIN 0648–XN23

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors Using Hook–and–Line Gear in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher processors using hook–and–line gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the A season allowance of the 2009 Pacific cod total allowable catch (TAC) allocated to catcher processors using hook–and–line gear in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 6, 2009, through 1200 hrs, A.l.t., June 10, 2009.

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

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

The A season allowance of the 2009 Pacific cod TAC allocated to catcher processors using hook–and–line gear in the BSAI is 37,660 metric tons (mt) as established by the 2008 and 2009 final harvest specifications for groundfish in the BSAI (73 FR 10160, February 26, 2008). See § 679.20(a)(7)(ii)(A)(*4*), § 679.20(a)(7)(iv)(A)(*2*), § 679.20(c)(3)(iii), and § 679.20(c)(5).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that the A season allowance of the 2009 Pacific cod directed fishing allowance allocated to catcher processors using hook–and–line gear in the BSAI has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher processors using hook–and–line gear in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod by to catcher processors using hook–and–line gear in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 4, 2009.

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

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

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

Dated: February 9, 2009.

Emily H. Menashes,

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

[FR Doc. E9–3013 Filed 2–9–09; 4:15 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register

Vol. 74, No. 28

Thursday, February 12, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0057; Directorate Identifier 85–ANE–25–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc (RR) RB211–535E4 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede an existing airworthiness directive (AD) for Rolls-Royce (RR) RB211–535E4 series turbofan engines. That AD currently requires initial and repetitive inspections of the outer combustion case for cracks and possible removal. This proposed AD would require the same inspections, but would require using RR Mandatory Service Bulletin (MSB) RB.211–72–7775, Revision 3, dated April 9, 1999. This proposed AD results from RR issuing a revision to the MSB. We are proposing this AD to prevent an uncontained outer combustion case burst, which could result in damage to the airplane.

DATES: We must receive any comments on this proposed AD by April 13, 2009.

ADDRESSES: Use one of the following addresses to comment on this proposed AD.

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Contact Rolls-Royce plc, P.O. Box 31, Derby, DE24 8BJ, United Kingdom; telephone: 44 (0) 1332–242424; fax: 44 (0) 1332–249936, for the service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT: Ian Dargin, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *ian.dargin@faa.gov;* telephone (781) 238–7178; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2009–0057; Directorate Identifier 85–ANE–25–AD'' in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of the Web site, anyone can find and read the comments in any of our dockets, including, if provided, the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

Discussion

On March 24, 1986, the FAA issued AD 86–07–01, Amendment 39–5273 (51 FR 12511, April 11, 1986). That AD requires initial and repetitive inspections of the combustor case welds using RR MSB RB.211–72–7775, dated June 28, 1985. The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified us that an unsafe condition may exist on RR RB211–535E4 series turbofan engines. The CAA advises that RR has issued MSB RB.211–72–7775, Revision 3, dated April 9, 1999 to add the option of using an ECI to inspect the outer combustion case for cracks. That condition, if not corrected, could result in an uncontained outer combustion case burst, which could result in damage to the airplane.

Actions Since AD 86–07–01 Was Issued

Since that AD was issued, RR has issued MSB RB.211–72–7775, Revision 1, dated January 24, 1992; RB.211–72–7775, Revision 2, dated February 27, 1998; and RB.211–72–7775, Revision 3, dated April 9, 1999. MSB RB.211–72–7775, Revision 3, dated April 9, 1999 allows using an eddy current inspection (ECI) instead of the fluorescent penetrant inspection required by MSB RB.211–72–7775, dated June 28, 1985; RB.211–72–7775, Revision 1, dated January 24, 1992; and RB.211–72–7775, Revision 2, dated February 27, 1998. Also, we no longer consider using red dye penetrant, as specified in MSB RB.211–72–7775, dated June 28, 1985, an acceptable inspection method.

Special Flight Permits Paragraph Removed

The current AD, AD 86–07–01, contains a paragraph pertaining to special flight permits. Even though this NPRM does not contain a similar paragraph, we have made no changes with regard to the use of special flight permits to operate the airplane to a repair facility to do the work required by this AD. In July 2002, we published a new Part 39 that contains a general authority regarding special flight permits and airworthiness directives;

see Docket No. FAA–2004–8460, Amendment 39–9474 (69 FR 47998, July 22, 2002). Thus, when we now supersede ADs, we will not include a specific paragraph on special flight permits unless we want to limit the use of that general authority granted in section 39.23.

Relevant Service Information

We have reviewed and approved the technical contents of RR Mandatory Service Bulletin (MSB) RB.211–72–7775, Revision 3, dated April 9, 1999, that describes procedures for inspecting the outer combustion case for cracks. The CAA classified this service bulletin as mandatory and issued AD CAA 008–07–85 in order to ensure the airworthiness of these RR engines in the United Kingdom.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other products of this same type design. For that reason, we are proposing this AD, which would require initial and repetitive ECI of the outer combustion case, and if necessary, replacing the case. The proposed AD would require that you do these actions using the service information described previously.

Costs of Compliance

We estimate that this proposed AD would affect 300 engines installed on airplanes of U.S. registry. We also estimate that it would take about 1 work-hour per engine to perform the proposed actions, and that the average labor rate is $80 per work-hour. No parts are required. Based on these figures, we estimate the total cost of the proposed AD to U.S. operators to be $24,000.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that the proposed AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing Amendment 39–5273 (51 FR 12511, April 11, 1986) and by adding a new airworthiness directive to read as follows:

Rolls-Royce plc (RR) (Formerly Rolls-Royce Limited): Docket No. FAA–2009–0057; Directorate Identifier 85–ANE–25–AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by April 13, 2009.

Affected ADs

(b) This AD supersedes AD 86–07–01, Amendment 39–5273.

Applicability

(c) This AD applies to RR RB211–534E4–37, RR RB211–534E4–37, RR RB211–534E4–37, RR RB211–534E4–37 turbofan engines that don't incorporate RR Service Bulletin (SB) RB.211–72–8045. These engines are installed on, but not limited to, Boeing 757 and Tupolev Tu204 airplanes.

Unsafe Condition

(d) This AD results from RR issuing revisions to Mandatory Service Bulletin (MSB) RB.211–72–7775. We are issuing this AD to prevent an uncontained outer combustion case burst, which could result in damage to the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified unless the actions have already been done.

Initial Inspection

(f) Perform an initial inspection of the outer combustion casing. Use the Accomplishment Instructions 3.A. of RR MSB RB.211–72–7775, Revision 3, dated April 9, 1999 and the following compliance schedules:

(1) For cases with 1,500 or fewer cycles-since-new (CSN) on the effective date of this AD, inspect before accumulating 1,500 CSN.

(2) For cases with more than 1,500 CSN on the effective date of this AD, inspect within 50 cycles-in-service (CIS) after the effective date of this AD.

(3) If you detect any cracks of 1.5 inches or more, replace the case before further flight.

Repetitive Inspections

(g) Thereafter, inspect cases at the following intervals. Use the Accomplishment Instructions 3.A. of RR MSB RB.211–72–7775, Revision 3, dated April 9, 1999.

(1) Inspect within 500 cycles-since-last inspection (CSLI) if you detected no cracks during the last inspection.

(2) Inspect within 100 CSLI if you detected cracks less than or equal to 0.5 inch in length during the last inspection.

(3) Inspect within 50 CSLI if you detected cracks greater than 0.5 inch but less than 1.5 inches in length.

Credit for Previous Inspections

(h) Cases inspected before the effective date of this AD using RB.211–72–7775, Revision 2, dated February 27, 1998, or earlier issue, meet the requirements of this AD for the initial or repetitive inspections specified in paragraphs (f) through (f)(3) and (g) through (g)(3) of this AD.

Alternative Methods of Compliance

(i) The Manager, Engine Certification Office, FAA, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Related Information

(j) Civil Aviation Authority airworthiness directive 008–07–85, dated June 19, 1985, also addresses the subject of this AD.

(k) Rolls-Royce plc MSB RB.211–72–7775, Revision 3, dated April 9, 1999, or earlier

issue, contains information related to the subject of this AD. Contact Rolls-Royce plc, P.O. Box 31, Derby, DE24 8BJ, United Kingdom; telephone: 44 (0) 1332–242424; fax: 44 (0) 1332–249936, for a copy of this service information

(l) Contact Ian Dargin, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *ian.dargin@faa.gov;* telephone (781) 238–7178; fax (781) 238–7199, for more information about this AD.

Issued in Burlington, Massachusetts, on January 23, 2009.

Peter A. White,

Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E9–3018 Filed 2–11–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0045; Directorate Identifier 2007–NE–53–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Model BR700–715A1–30, BR700–715B1–30, and BR700–715C1–30 Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

Repair Scheme BRG3086 Issue 1 instructs the repair of the High Pressure (HP) Compressor Front Drum Assembly Damping Grooves. This repair has an impact on the life of the High Pressure (HP) Compressor Front Drum Assembly.

We are proposing this AD to prevent failure of front HP compressor rotors, which could result in an uncontained engine failure and damage to the airplane.

DATES: We must receive comments on this proposed AD by March 16, 2009.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jason Yang, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *jason.yang@faa.gov;* telephone (781) 238–7747; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2009–0045; Directorate Identifier 2007–NE–53–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of the Web site, anyone can find and read the comments in any of our dockets, including, if provided, the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2007–0050–E, dated February 26, 2007 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

Repair Scheme BRG3086 Issue 1 instructs the repair of the High Pressure (HP) Compressor Front Drum Assembly Damping Grooves. This repair has an impact on the life of the High Pressure (HP) Compressor Front Drum Assembly. This EAD has been raised to mandate certain specific CAUTION notes related to specific subtasks of the BR715 Time Limits Manual (TLM) T–715–3BR instructing a reduced life for certain Serial Numbers (S/N) of the High Pressure (HP) Compressor Front Drum Assemblies Part No. BRH20070 after repair BRG3086 Issue 1 has been applied and Part No. BRR21918 after repair BRG3086 Issue 1 has been applied. Results for each individual repair case are listed in the latest revision of Non-Modification Service Bulletin SB–BR700–72–A900437.

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Rolls-Royce Deutschland Ltd & Co KG (RRD) has issued Alert Service Bulletin (ASB) SB–BR700–72–A900437, Revision 1, dated April 18, 2007. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of the Federal Republic of Germany, and is approved for operation in the United States. Pursuant to our bilateral agreement with the Federal Republic of Germany, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information provided by the EASA, and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. We are proposing this AD to require removing the affected HPC front drum assemblies from operation before reaching the new, reduced life limit.

Differences Between This AD and the MCAI or Service Information

We have found it necessary to differ from the MCAI as follows:

- We don't require operators to amend the Time Limits Manual.
- We don't allow the operators to show compliance by using RRD ASB SB–BR700–72–A900437, initial issue, dated February 26, 2007. Some of the affected parts are not included in the initial issue of the ASB.
- We have incorporated in this proposed AD, the life reduction Table for the HPC drum assemblies, by serial number (SN), that are specified in RRD ASB SB–BR700–72–A900437, Revision 1, dated April 18, 2007.
- HPC drum assembly, P/N BRH20070 is not affected by the proposed AD; since only certain HPC drums with P/N BRR21918 were affected in accordance with RRD ASB SB–BR700–72–A900437, Revision 1, dated April 18, 2007.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 14 products of U.S. registry. We also estimate that it would take about 10 work-hours per product to comply with this proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $100,000 per product. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $1,411,200. Our cost estimate is exclusive of possible warranty coverage.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

Rolls-Royce Deutschland Ltd & Co KG (formerly BMW Rolls-Royce GmbH and BMW Rolls-Royce Aero Engines): Docket No. FAA–2009–0045; Directorate Identifier 2007–NE–53–AD.

Comments Due Date

(a) We must receive comments by March 16, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Rolls-Royce Deutschland Ltd & Co KG model BR700–715A1–30, BR700–715B1–30, and BR700–715C1–30 turbofan engines. These engines are installed on, but not limited to, McDonnell Douglas 717–200 airplanes.

Reason

(d) Repair Scheme BRG3086 Issue 1 instructs the repair of the High Pressure (HP) Compressor Front Drum Assembly Damping Grooves. This repair has an impact on the life of the High Pressure (HP) Compressor Front Drum Assembly.

We are issuing this AD to prevent failure of front HP compressor rotors, which could result in an uncontained engine failure and damage to the airplane.

Actions and Compliance

(e) Remove the following HPC drum assemblies from operation before reaching the life limit specified in Table 1 of this AD.

TABLE 1—CYCLIC LIFE BY PART NUMBER AND MISSION

High Pressure (HP) Compressor Rotor Front Disc Assembly					
Part No.	Serial No.	A1–30 design	B1–30 and C1–30 designs	A1–30 Hawaiian	C1–30 Tropical and derated
BRR21918	1107	6,600	4,500	6,600	3,800
BRR21918	1120	6,800	4,700	6,800	4,000
BRR21918	1122	7,000	4,900	7,000	4,100
BRR21918	1144	7,300	5,000	7,300	4,200
BRR21918	1154	6,800	4,700	6,800	4,000
BRR21918	1163	6,800	4,700	6,800	4,000
BRR21918	1166	6,500	4,500	6,500	3,800
BRR21918	1194	6,900	4,800	6,900	4,000
BRR21918	1217	7,000	4,900	7,000	4,100
BRR21918	1232	7,200	5,000	7,200	4,200
BRR21918	1255	7,300	5,100	7,300	4,300
BRR21918	1259	7,500	5,200	7,500	4,400
BRR21918	1271	7,300	5,100	7,300	4,300

TABLE 1—CYCLIC LIFE BY PART NUMBER AND MISSION—Continued

High Pressure (HP) Compressor Rotor Front Disc Assembly					
Part No.	Serial No.	A1–30 design	B1–30 and C1–30 designs	A1–30 Hawaiian	C1–30 Tropical and derated
BRR21918	1292	7,300	5,100	7,300	4,300

Other FAA AD Provisions

(f) *Alternative Methods of Compliance (AMOCs):* The Manager, Engine Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Related Information

(g) Refer to MCAI Emergency Airworthiness Directive 2007–0050–E, dated February 26, 2007, and Rolls-Royce Deutschland Ltd & Co KG Alert Service Bulletin SB–BR700–72–A900437, Revision 1, dated April 18, 2007, for related information. Contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, 15827 Blankenfelde-Mahlow, Germany; telephone 49 (0) 33–7086–1768; fax 49 (0) 33–7086–3356, or go to: *http://www.rolls-royce.com/deutschland/en/default.htm,* for a copy of this service information.

(h) Contact Jason Yang, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *jason.yang@faa.gov;* telephone (781) 238–7747; fax (781) 238–7199, for more information about this AD.

Issued in Burlington, Massachusetts, on January 21, 2009.

Peter A. White,

Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E9–3017 Filed 2–11–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0119; Directorate Identifier 2008–CE–068–AD]

RIN 2120–AA64

Airworthiness Directives; M7 Aerospace LP Models SA226–AT, SA226–T, SA226–TC, SA227–AC (C–26A), SA227–AT, SA227–BC (C–26A), SA227–CC, and SA227–DC (C–26B) Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2008–12–16, which applies to certain M7 Aerospace LP SA226 and SA227 series airplanes. AD 2008–12–16 currently requires you to inspect wires and tube assemblies for chafing, arcing, or insufficient clearance between components. If chafing, arcing, or insufficient clearance between components is found, AD 2008–12–16 requires you to clear, repair, and/or replace all chafed wires, components, and tube assemblies. AD 2008–12–16 also requires you to cover the four-gauge wires leaving the battery box with firesleeving and secure them with a clamp. Since we issued AD 2008–12–16, M7 Aerospace LP has notified us that Model SA227–BC (C–26A) was inadvertently left out of the Applicability section of the AD and they updated some of the service information due to parts availability. Operators have also identified issues with model applicability that needed clarification. Consequently, this proposed AD would retain the actions of AD 2008–12–16, add Model SA227–BC (C–26A) to the Applicability section, and regroup the models for clarification. We are proposing this AD to detect and correct chafing of electrical wires, components, and tube assemblies. This condition could result in arcing of exposed wires with consequent burning of a hole in a hydraulic line or the bleed air line. This failure could lead to a hydraulic fluid leak and a possible fire in the engine nacelle compartment.

DATES: We must receive comments on this proposed AD by April 13, 2009.

ADDRESSES: Use one of the following addresses to comment on this proposed AD:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact M7 Aerospace Repair Station, 10823 NE Entrance Road, San Antonio, Texas 78216; telephone: (210) 824–9421; fax: (210) 804–7766; Internet: *http://www.m7aerospace.com.*

FOR FURTHER INFORMATION CONTACT: Werner Koch, Aerospace Engineer, ASW–150, Fort Worth Airplane Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone: (817) 222–5133; fax: (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, ''FAA–2009–0119; Directorate Identifier 2008–CE–068–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive concerning this proposed AD.

Discussion

Five reports of chafing between the bleed air tube assembly and the electrical starter cables on M7 Aerospace LP SA226 and SA227 series airplanes, with one incident resulting in a fire, caused us to issue AD 2008–12–16, Amendment 39–15560 (73 FR 34615, June 18, 2008). AD 2008–12–16 currently requires the following on M7 Aerospace LP SA226 and SA227 series airplanes:

- Inspect electrical wires and components, hydraulic tube assemblies, and bleed air tube assemblies, for sufficient clearance between components or any evidence of chafing or arcing;

• Clear, repair, and/or replace all chafed electrical wires and components, chafed hydraulic tube assemblies, and chafed bleed air tube assemblies; and

• Cover the four-gauge wires leaving the battery box with firesleeving and secure them with a clamp.

Since we issued AD 2008–12–16, M7 Aerospace LP has notified us that Model SA227–BC (C–26A) was inadvertently left out of the Applicability section of the AD and they updated some of the service information due to parts availability. Operators have also identified issues with the model applicability that needed clarification. Consequently, this proposed AD would retain the actions of AD 2008–12–16, add the Model SA227–BC (C–26A) to the Applicability section, and regroup the models for clarification. We are proposing this AD to detect and correct chafing of electrical wires, components, and tube assemblies.

This condition could result in arcing of the exposed wires with consequent burning of a hole in a hydraulic line or the bleed air line. This failure could lead to a hydraulic fluid leak and a possible fire in the engine nacelle compartment.

Relevant Service Information

We have reviewed the following service bulletins and procedures:

Service bulletin	Applicable models	Procedures described
Fairchild Aircraft Corporation SA226 Series Service Bulletin 226–24–019, revised: November 21, 2008.	SA226–AT, SA226–T, and SA226–TC	Inspecting the battery cables and covering the four-gauge wires leaving the battery box with firesleeving and securing them with a clamp.
Fairchild Aircraft Corporation SA227 Series Service Bulletin No. SB227–24–001, revised: November 21, 2008.	SA227–AC, SA227–AT, and SA227–BC (C–26A).	
M7 Aerospace SA226 Series Service Bulletin No. 226–24–020, revised: August 4, 2008.	SA226–AT and SA226–TC	Rerouting the hydraulic tube assemblies in the right wing leading edge, rerouting the battery cables and 22-gauge wire bundle, and installing a new access panel forward of the battery box.
M7 Aerospace SA227 Series Service Bulletin No. 227–24–002, revised: November 21, 2008.	SA227–AC and SA227–AT.	
M7 Aerospace SA226 Series Service Bulletin No. 226–24–036, revised: November 21, 2008.	SA226AT, SA226–T, and SA226TC	Inspecting electrical wires and components, hydraulic tube assemblies, and bleed air tube assemblies at the inboard wing leading edge/battery box areas, wing stations 51.167 to 81.174, and the feed-through locations into the inboard keelson.
M7 Aerospace SA227 Series Service Bulletin No. 227–24–019, revised: November 21, 2008.	SA227–AC (C–26A), SA227–BC (C–26A), and SA227–AT.	
M7 Aerospace SA227 Series Commuter Category Service Bulletin No. CC7–24–010, revised: November 21, 2008.	SA227–CC and SA227–DC (C–26B).	

FAA's Determination and Requirements of the Proposed AD

We are proposing this AD because we evaluated all information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design. This proposed AD would supersede AD 2008–12–16 with a new AD that would retain the actions of AD 2008–12–16, add Model SA227–BC (C26A) to the Applicability section, and regroup the models for clarification. We are proposing this AD to detect and correct chafing of electrical wires, components, and tube assemblies. This proposed AD would require you to use the service information described previously to perform these actions.

Costs of Compliance

We estimate that this proposed AD would affect 268 airplanes in the U.S. registry.

We estimate the following costs to do the proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
4 work-hours × $80 per hour = $320	Not Applicable	$320	$85,760

We estimate the following costs to do any necessary modifications for certain Models SA226–AT, SA226–T, SA226–TC, SA227–AC, and SA227–AT airplanes referenced in M7 Aerospace SA226 Series Service Bulletin 226–24–019, revised: November 21, 2008; or M7 Aerospace SA227 Series Service Bulletin 227–24–001, revised: November 21, 2008. We estimate 88 airplanes may need this modification:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
13 work-hours × $80 per hour = $1,040	$7	$1,047	$92,136

We estimate the following costs to do any necessary repairs for certain Models SA226–AT, SA226–TC, SA227–AC, and SA227–AT referenced in M7 Aerospace SA226 Series Service Bulletin 226–24–020, revised: August 4, 2008; or M7 Aerospace SA227 Series Service Bulletin 227–24–002, revised: November 21, 2008. We have no way of determining the number of airplanes that may need this repair:

Labor cost	Parts cost	Total cost per airplane
50 work-hours × $80 per hour = $4,000	$3,000	$7,000

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that the proposed regulation:

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

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

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

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

Examining the AD Docket

You may examine the AD docket that contains the proposed AD, the regulatory evaluation, any comments received, and other information on the Internet at *http://www.regulations.gov*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647–5527) is located at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2008–12–16, Amendment 39–15560 (73 FR 34615, June 18, 2008), and adding the following new AD:

M7 Aerospace LP: Docket No. FAA–2009–0119; Directorate Identifier 2008–CE–068–AD.

Comments Due Date

(a) We must receive comments on this airworthiness directive (AD) action by April 13, 2009.

Affected ADs

(b) This AD supersedes AD 2008–12–16, Amendment 39–15560.

Applicability

(c) This AD applies to Models SA226–AT, SA226–T, SA226–TC, SA227–AC (C–26A), SA227–AT, SA227–BC (C–26A), SA227–CC, and SA227–DC (C–26B) airplanes, all serial numbers, that are certificated in any category.

Unsafe Condition

(d) This AD results from five reports of chafing between the bleed air tube assembly and the electrical starter cables on M7 Aerospace LP SA226 and SA227 series airplanes with one incident resulting in a fire. We are proposing this AD to detect and correct chafing of electrical wires and components, hydraulic tube assemblies, and bleed air tube assemblies. This condition could result in arcing of the exposed wires with consequent burning of a hole in a hydraulic line or the bleed air line. This failure could lead to a possible hydraulic fluid leak and fire in the engine nacelle compartment.

Compliance

(e) To address this problem, you must do the following, unless already done:

Actions	Compliance	Procedures
(1) For airplanes with the following Model Numbers (M/N) and Serial Numbers (S/N), inspect the main battery leads running forward from the battery compartment for deterioration, cover the four-gauge wires leaving the battery box with firesleeving, and secure them with a clamp: (i) M/N SA226–AT, S/N AT–001 through AT–419; (ii) M/N SA226–T, S/N T–201 through T–248; (iii) M/N SA226–TC, S/N TC–201 through TC–419; (iv) M/N SA227–AC (C–26A), S/N AC–420 through AC–539, AC–541, AC–543, AC–544, AC–547 through AC–551; and (v) M/N SA227–AT, S/N AT–423 through AT–551.	Within 250 hours time-in-service (TIS) after July 23, 2008 (the effective date of AD 2008–12–16).	Use the following service information as applicable: (A) For Models SA226–AT, SA226–T, and SA226–TC airplanes: Follow M7 Aerospace SA226 Series Service Bulletin No. 226–24–019, revised: November 21, 2008; or Fairchild Aircraft Corporation SA226 Series Service Bulletin No. SB 24–019, revised: May 17, 1983; or (B) For Models SA227–AC (C–26A) and SA227–AT airplanes: Follow M7 Aerospace SA227 Series Service Bulletin No. 227–24–001, revised: November 21, 2008; or Fairchild Aircraft Corporation SA227 Series Service Bulletin No. SB24–001, revised: May 17, 1983.
(2) For airplanes with the following M/Ns and S/Ns, reroute the hydraulic tube assemblies in the right wing leading edge, reroute the battery cables and 22-gauge wire bundle, and install a new access panel forward of the battery box: (i) M/N SA226–AT, S/N AT–001 through AT–074; (ii) M/N SA226–TC, S/N TC–201 through TC–419; (iii) M/N SA227–AC (C–26A), S/N AC–420 through AC–539, AC–541, AC–543, AC–544, AC–547 through AC–550; and (iv) M/N SA227–AT, S/N AT–423 through AT–551.	Before further flight after the modification required in paragraph (e)(1) of this AD and you were not able to obtain a minimum 0.50-inch clearance between the bleed air line and the tubing on the battery cables.	Use the following service information as applicable: (A) For Models SA226–AT, and SA226–TC airplanes: Follow M7 Aerospace SA226 Series Service Bulletin No. 226–24–020, revised: August 4, 2008; or Fairchild Aircraft Corporation SA226 Series Service Bulletin No. SB 24–020, revised: February 15, 1984; or (B) For Models SA227–AC (C–26A) and SA227–AT, airplanes: Follow M7 Aerospace SA227 Series Service Bulletin No. 227–24–002, revised: November 21, 2008; or Fairchild Aircraft Corporation SA227 Series Service Bulletin No. SB24–002, revised: February 15, 1984.
(3) For airplane Models SA226–AT, SA226–T, SA226–TC, SA227–AC (C–26A), SA227–AT, SA227–CC, and SA227–DC (C–26B): Inspect electrical wires and components, hydraulic tube assemblies, and bleed air tube assemblies at the left hand and right hand (LH/RH) inboard wing leading edge/battery box areas, LH/RH wing stations 51.167 to 81.174, and at all feed-through locations into the LH/RH inboard keelson for any evidence of chafing or arcing.	Within 250 hours TIS after July 23, 2008 (the effective date of AD 2008–12–16). Repetitively thereafter inspect at intervals not to exceed 12 months.	Use the following service information as applicable: (i) For Models SA226–AT, SA226–T, and SA226–TC airplanes: Follow M7 Aerospace SA226 Series Service Bulletin No. 226–24–036, revised November 21, 2008; or M7 Aerospace SA226 Series Service Bulletin No. 226–24–036, issued: September 19, 2007; (ii) For Models SA227–AC (C–26A) and SA227–AT, airplanes: Follow M7 Aerospace SA227 Series Service Bulletin No. 227–24–019, revised: November 21, 2008; or M7 Aerospace SA227 Series Service Bulletin No. 227–24–019, issued: September 19, 2007; or (iii) For Models SA227–CC and SA227–DC (C–26B) airplanes: Follow SA227 Series Commuter Category Service Bulletin No. CC7–24–010, revised November 21, 2008; or SA227 Series Commuter Category Service Bulletin No. CC7–24–010, issued September 19, 2007.
(4) For airplane Model SA227–BC (C–26A): Inspect the main battery leads running forward from the battery compartment for any evidence of insulation deterioration.	Within 250 hours TIS after the effective date of this AD.	Follow M7 Aerospace SA227 Series Service Bulletin No. 227–24–001, revised: November 21, 2008.
(5) For airplane Model SA227–BC (C–26A): Inspect electrical wires and components, hydraulic tube assemblies, and bleed air tube assemblies at LH/RH inboard wing leading edge/battery box areas, LH/RH wing stations 51.167 to 81.174, and at all feed-through locations into the LH/RH inboard keelson for any evidence of insulation deterioration, chafing, or arcing.	Within 250 hours TIS after the effective date of this AD. Repetitively thereafter inspect at intervals not to exceed 12 months.	Follow M7 Aerospace SA227 Series Service Bulletin No. 227–24–019, revised: November 21, 2008.

Actions	Compliance	Procedures
(6) For all airplane Models: Clear, repair, and/or replace all electrical wires and components, hydraulic tube assemblies, and bleed air tube assemblies, in the inspection area and feed-through locations that show any sign of insulation deterioration, chafing, or arcing, as required.	Before further flight after any inspection required in paragraphs (e)(1), (e)(3), (e)(4), and (e)(5) of this AD where any evidence of insulation deterioration, chafing, or arcing was found.	Use the service information from paragraphs (e)(1), (e)(3), (e)(4), and (e)(5) of this AD, as applicable.

Note: Although not a requirement of this AD, you may incorporate Swearingen Aviation Corporation SA226 Series Service Bulletin No. 57–010, revised: December 5, 1975, on those airplanes that have not installed the access panel. Installation of the access panel will simplify the incorporation of the service bulletins referenced in this AD and future inspections of the areas of concern.

Alternative Methods of Compliance (AMOCs)

(f) The Manager, Fort Worth Airplane Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Werner Koch, Aerospace Engineer, ASW–150, Fort Worth Airplane Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone: (817) 222–5133; fax: (817) 222–5960. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

Related Information

(g) To get copies of the service information referenced in this AD, contact M7 Aerospace Repair Station, 10823 NE Entrance Road, San Antonio, Texas 78216; telephone: (210) 824–9421; fax: (210) 804–7766; Internet: *http://www.m7aerospace.com.* To view the AD docket, go to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or on the Internet at *http://www.regulations.gov.*

Issued in Kansas City, Missouri, on February 6, 2009.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–3012 Filed 2–11–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–1253; Airspace Docket No. 08–ANE–103]

Establishment of Class E Airspace; Nantucket, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to modify Class E Airspace at Nantucket, MA. The development of new Standard Instrument Approach Procedures (SIAPs) and the evaluation of current procedures are requiring the establishment of Class E Surface airspace designated as an extension to Class D airspace. This action would encompass the SIAPs and enhance the safety and airspace management around the Nantucket Memorial Airport, MA.

DATES: Comments must be received on or before March 16, 2009.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2008–1253; Airspace Docket No. 08–ANE–103, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov*.

You may review the public docket containing the rule, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, Georgia 30337.

FOR FURTHER INFORMATION CONTACT: Daryl Daniels, Airspace Specialist, Operations Support Group, Eastern Service Center, Air Traffic Organization, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5581.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Those wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2008–1253; Airspace Docket No. 08–ANE–103.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/*. Persons interested in being placed on a mailing list for future NPRMs should

contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Code of Federal Regulations (14 CFR Part 71) to modify Class E airspace at Nantucket, MA. During an evaluation of current procedures and while developing new Standard Instrument Approach Procedures (SIAPs) for the airport it was determined that Class E surface airspace is required to the northeast of the airport, designated as an extension of the Class D surface area. Class E surface airspace designations as extensions to Class D (Class E4 airspace) are published in Paragraph 6004 of FAA Order 7400.9S, signed October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, would 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 United States code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This proposed 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 proposes to modify Class E airspace at Nantucket, MA.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

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

1. The authority citation for Part 71 will continue 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 71.1 of Federal Aviation Administration Order 7400.9S, Airspace Designations and Reporting Points, signed October 3, 2008, and effective October 31, 2008, is proposed to be amended as follows:

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D Surface Area

* * * * *

ANE MA E4 Nantucket, MA [NEW]

Nantucket Memorial Airport, MA

(Lat. 41°15′11″ N., long. 70°03′37″ W.)

That airspace extending upward from the surface of the Earth within 1.5 mile either side of the 045° bearing from the Nantucket Memorial Airport extending from the 4.2 mile radius to 12.6 miles Northeast of the airport. This Class E Surface airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in College Park, Georgia, on January 20, 2009.

Mark D. Ward,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. E9–2972 Filed 2–11–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2009–0052; Airspace Docket No. 09–AGL–1]

Proposed Amendment of Class E Airspace; Ironwood, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Ironwood, MI. Additional controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at Gogebic Iron County Airport, Ironwood, MI. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) aircraft operations at Gogebic Iron County Airport.

DATES: 0901 UTC. Comments must be received on or before March 30, 2009.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2009–0052/Airspace Docket No. 09–AGL–1, at the beginning of your comments. You may also submit comments on the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76193–0530; telephone: (817) 321–7716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments

are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2009–0052/Airspace Docket No. 09–AGL–1.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/*.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration (FAA), Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by adding additional Class E airspace for SIAPs operations at Gogebic Iron County Airport, Ironwood, MI. The area would be depicted on appropriate aeronautical charts.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9S, dated October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. 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 would add additional controlled airspace at Gogebic Iron County Airport, Ironwood, MI.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

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

1. The authority citation for 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 71.1 of Federal Aviation Administration Order 7400.9S, Airspace Designations and Reporting Points, dated October 3, 2008, and effective October 31, 2008, is amended as follows:

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

* * * * *

AGL MI E5 Ironwood, MI [Amended]

Gogebic Iron County Airport , MI
(Lat. 46°31′39″ N., long. 90°07′53″ W.)
Ironwood ILS
(Lat. 46°31′39″ N., long. 90°09′12″ W.)
Ironwood VORTAC
(Lat. 46°31′56″ N., long. 90°07′33″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Gogebic Iron County Airport and within 3.5 miles each side of the ILS localizer course extending from the 6.6-mile radius to 10.2 miles east of the airport and within 3.2 miles each side of the Ironwood VORTAC 104° radial extending from the 6.6-mile radius to 11.7 miles southeast of the VORTAC, and within 2.4 miles each side of the Ironwood VORTAC 260° radial extending from the 6.6-mile radius to 7 miles west of the VORTAC and within 4 miles each side of the 090° bearing from the airport extending from the 6.6-mile radius to 11.4 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Ironwood VORTAC.

* * * * *

Issued in Fort Worth, TX on February 2, 2009.

Anthony D. Roetzel,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. E9–2999 Filed 2–11–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–0926; Airspace Docket No. 08–AAL–24]

RIN 2120–AA66

Proposed Establishment, Revision, and Removal of Area Navigation (RNAV) Routes; Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish twenty three Area Navigation (RNAV) routes, and revise fourteen RNAV routes, in the State of Alaska. Additionally, this action proposes to remove four existing routes that are no longer required. Q & T-routes are Air Traffic Service (ATS) routes, based on RNAV, for use by aircraft having instrument flight rules (IFR)-approved Global Positioning System (GPS)/Global Navigation Satellite System (GNSS) equipment. The FAA is proposing this action to enhance safety and to improve the efficient use of the navigable airspace in Alaska.

DATES: Comments must be received on or before March 30, 2009.

ADDRESSES: Send comments on the proposal to the U.S. Department of Transportation, Dockets Operations, M–30, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; telephone: (202) 366–9826. You must identify docket No. FAA–2008–0926 and Airspace Docket No. 08–AAL–24, at the beginning of your comments. You may also submit comments on the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules Group, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2008–0926 and Airspace Docket No. 08–AAL–24) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2008–0926 and Airspace Docket No. 08–AAL–24.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publicaitons/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Alaska Flight Service Operations, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

The FAA is establishing RNAV routes focusing on developing and implementing improvements in navigation structure and operating methods to allow more flexible and efficient en route operations in the National Airspace System. RNAV routes provide greater freedom to properly equipped users and achieves the economic benefits of flying user-selected non-restrictive routings. RNAV routes will be identified by the letter prefix ''Q'' for routes flight level (FL) 180 and above, and ''T'' for routes below FL 180 followed by a number consisting of one to three digits. This specific effort focuses on developing and implementing improvements in navigation structure for more efficient en route operations in the Alaska airspace environment. To help accomplish this goal, the FAA asked for user feedback to help place routing in the most efficient manner. As a result, twelve of the charted thirty three Alaskan T routes are proposed to be revised. Nine new T routes are proposed to be established, along with fourteen new Q routes. Additionally, four T routes are proposed to be removed. Final rules for Area Navigation routes will contain a general route outline and no longer contain the individual coordinates for each navigational aid, waypoint or fix. The coordinates will be published in the National Flight Data Digest and subsequently in FAA Order 7350.8 Location Identifiers.

Related Rulemaking

On April 8, 2003, the FAA published the Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes, and Reporting Points rule in the **Federal Register** (68 FR 16943). This rule adopted certain amendments proposed in Notice No. 02–20, Area Navigation (RNAV) and Miscellaneous Amendments. The rule revised and adopted several definitions in FAA regulations, including Air Traffic Service Routes, to be in concert with International Civil Aviation Organization (ICAO) definitions; and reorganized the structure of FAA regulations concerning the designation of Class A, B, C, D, and E airspace areas; airways; routes; and reporting points. The purpose of the rule was to facilitate the establishment of RNAV routes in the NAS for use by aircraft with advanced navigation system capabilities.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to establish fourteen high altitude Area Navigation (RNAV) routes, and nine low altitude RNAV routes, in the State of Alaska. Additionally, this action proposes to revise one high altitude route, fourteen low altitude routes, and remove four existing ''T'' routes that are no longer required. These routes are being proposed to enhance safety, and to facilitate the more flexible and efficient use of the navigable airspace for en route instrument flight rules (IFR) operations within the state of Alaska. This proposal will improve operator efficiency, access and safety, while incrementally reducing dependency on ground based navigation facilities. A graphical representation of this proposal is on the web (downloadable PDF file) at: *http://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/fs/alaskan/notices/RNAV_Routes/.* These areas would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83.

The High Altitude RNAV Routes are published in paragraph 2006, and the Low Altitude RNAV Routes are published in paragraph 6011 in FAA Order 7400.9S, Airspace Designations and Reporting Points, signed October 3, 2008, and effective October 31, 2008,

which is incorporated by reference in 14 CFR 71.1. The airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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 proposed 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 United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

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 the 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 proposes to create Class A and E airspace sufficient in size to contain aircraft using the described Federal Airways within the State of Alaska and represents the FAA's continuing effort to safely and efficiently use the navigable airspace.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 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 71.1 of FAA Order 7400.9S, Airspace Designations and Reporting Points, signed October 3, 2008, and effective October 31, 2008, is to be amended as follows:

Paragraph 2006 United States Area Navigation Routes.

* * * * *

Q–41 CAWIN to SCC [New]

CAWIN	Fix	(Lat. 63°16′51″ N., long. 148°59′18″ W.)
SCC	VOR/DME	(Lat. 70°11′57″ N., long. 148°24′58″ W.)

Q–43 ANC to FAI [New]

ANC	VOR/DME	(Lat. 61°09′03″ N., long. 150°12′24″ W.)
CAWIN	FIX	(Lat. 61°16′51″ N., long. 148°59′18″ W.)
FAI	VORTAC	(Lat. 64°48′00″ N., long. 148°00′43″ W.)

Q–44 OME to ANC [New]

OME	VOR/DME	(Lat. 64°29′06″ N., long. 165°15′11″ W.)
ANC	VOR/DME	(Lat. 61°09′03″ N., long. 150°12′24″ W.)

Q–45 DLG to AMOTT [New]

DLG	VOR/DME	(Lat. 58°59′39″ N., long. 158°33′08″ W.)
AMOTT	FIX	(Lat. 60°53′56″ N., long. 151°21′46″ W.)

Q–46 PHO to BRW [New]

PHO	NDB	(Lat. 68°20′41″ N., long. 166°47′51″ W.)
BRW	VOR/DME	(Lat. 71°16′24″ N., long. 156°47′17″ W.)

Q–47 AKN to AMOTT [New]

AKN	VORTAC	(Lat. 58°43′29″ N., long. 156°45′08″ W.)
AMOTT	FIX	(Lat. 60°53′56″ N., long. 151°21′46″ W.)

Q–48 BRW to ROCES [New]

BRW	VOR/DME	(Lat. 71°16′24″ N., long. 156°47′17″ W.)
SCC	VOR/DME	(Lat. 70°11′57″ N., long. 148°24′58″ W.)
ROCES	WP	(Lat. 70°08′34″ N., long. 144°08′16″ W.)

Q–49 ODK to AMOTT [New]

ODK	VOR/DME	(Lat. 57°46′30″ N., long. 152°20′23″ W.)
AMOTT	FIX	(Lat. 60°53′56″ N., long. 151°21′46″ W.)

Q–51 AKN to OTZ [New]

AKN	VORTAC	(Lat. 58°43′29″ N., long. 156°45′08″ W.)
OTZ	VOR/DME	(Lat. 66°53′09″ N., long. 162°32′24″ W.)

Q–53 ODK to OTZ [New]

ODK	VOR/DME	(Lat. 57°46′30″ N., long. 152°20′23″ W.)
ILI	NDB/DME	(Lat. 59°44′53″ N., long. 154°54′35″ W.)

OTZ	VOR/DME	(Lat. 66°53′09″ N., long. 162°32′24″ W.)

Q–55 ODK to OME [New]

ODK	VOR/DME	(Lat. 57°46′30″ N., long. 152°20′23″ W.)
OME	VOR/DME	(Lat. 64°29′06″ N., long. 165°15′11″ W.)

Q–57 AKN to MCG [New]

AKN	VORTAC	(Lat. 58°43′29″ N., long. 156°45′08″ W.)
MCG	VORTAC	(Lat. 62°57′04″ N., long. 155°36′41″ W.)

Q–59 CDB to BET [New]

CDB	VORTAC	(Lat. 55°16′03″ N., long. 162°46′27″ W.)
BET	VORTAC	(Lat. 60°47′05″ N., long. 161°49′28″ W.)

Q–61 FAI to BRW [New]

FAI	VORTAC	(Lat. 64°48′00″ N., long. 148°00′43″ W.)
BRW	VOR/DME	(Lat. 71°16′24″ N., long. 156°47′17″ W.)

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Q–16 ODK to YAK [Revised]

ODK	VOR/DME	(Lat. 57°46′30″ N., long. 152° 20′23″ W.)
MDO	VOR/DME	(Lat. 59°25′19″ N., long. 146° 21′00″ W.)
YAK	VOR/DME	(Lat. 59°30′39″ N., long. 139° 38′53″ W.)

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Paragraph 6011 United States Area Navigation Routes.

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T–269 BET to ANN [New]

BET	VORTAC	(Lat. 60°47′05″ N., long. 161°49′28″ W.)
SQA	VOR/DME	(Lat. 61°05′55″ N., long. 155°38′04″ W.)
ANC	VOR/DME	(Lat. 61°09′03″ N., long. 150°12′24″ W.)
JOH	VOR/DME	(Lat. 60°28′51″ N., long. 146°35′58″ W.)
YAK	VOR/DME	(Lat. 59°30′39″ N., long. 139°38′53″ W.)
BKA	VORTAC	(Lat. 56°51′34″ N., long. 135°33′05″ W.)
ANN	VOR/DME	(Lat. 55°03′37″ N., long. 131°34′42″ W.)

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T–271 CDB to AMOTT [New]

CDB	VORTAC	(Lat. 55°16′03″ N., long. 162°46′27″ W.)
BINAL	FIX	(Lat. 55°46′00″ N., long. 161°59′56″ W.)
AKN	VORTAC	(Lat. 58°43′29″ N., long. 156°45′08″ W.)
AMOTT	FIX	(Lat. 60°53′56″ N., long. 151°21′46″ W.)

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T–273 FAI to ROCES [New]

FAI	VORTAC	(Lat. 64°48′00″ N., long. 148°00′43″ W.)
ROCES	WP	(Lat. 70°08′34″ N., long. 144°08′16″ W.)

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T–275 BET to UNK [New]

BET	VORTAC	(Lat. 60°47′05″ N., long. 161°49′28″ W.)
UNK	VOR/DME	(Lat. 63°53′31″ N., long. 160°41′04″ W.)

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T–277 BTT to PIZ [New]

BTT	VOR/DME	(Lat. 66°54′18″ N., long. 151°32′09″ W.)
PIZ	NDB	(Lat. 69°44′04″ N., long. 163°44′49″ W.)

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T–278 HAPIT to SSR [New]

HAPIT	FIX	(Lat. 58°11′58″ N., long. 137°31′12″ W.)
SSR	VORTAC	(Lat. 58°10′40″ N., long. 135°15′32″ W.)

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T–279 ALEUT to BET [New]

ALEUT	FIX	(Lat. 54°14′17″ N., long. 166°32′52″ W.)
BET	VORTAC	(Lat. 60°47′05″ N., long. 161°49′28″ W.)

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T–280 FLIPS to LVD [New]

FLIPS	FIX	(Lat. 56°34′33″ N., long. 134°52′47″ W.)
LVD	VOR/DME	(Lat. 56°28′04″ N., long. 133°04′59″ W.)

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T–282 VENCE to FAI [New]

VENCE	FIX	(Lat. 64°29′23″ N., long. 158°00′06″ W.)
HORSI	FIX	(Lat. 64°44′05″ N., long. 154°19′15″ W.)
ROSII	FIX	(Lat. 64°57′46″ N., long. 153°14′37″ W.)
PERZO	WP	(Lat. 64°40′23″ N., long. 148°07′20″ W.)
FAI	VORTAC	(Lat. 64°48′00″ N., long. 148°00′43″ W.)

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T–219 DLG to AIX [Revised]

DLG	VOR/DME	(Lat. 58°59′39″ N., long. 158°33′08″ W.)
RUFVY	WP	(Lat. 59°56′34″ N., long. 161°49′28″ W.)
AIX	NDB/DME	(Lat. 60°23′06″ N., long. 166°12′53″ W.)

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T–222 BAERE TO FAI [Revised]

BAERE	WP	(Lat. 52°12′12″ N., long. 176°08′09″ W.)
SPY	NDB/DME	(Lat. 57°09′28″ N., long. 170°13′51″ W.)
RUFVY	WP	(Lat. 59°56′34″ N., long. 161°49′28″ W.)
BET	VORTAC	(Lat. 60°47′05″ N., long. 161°49′28″ W.)
MCG	VORTAC	(Lat. 62°57′04″ N., long. 155°36′41″ W.)
ENN	VORTAC	(Lat. 64°35′24″ N., long. 149°04′22″ W.)
FAI	VORTAC	(Lat. 64°48′00″ N., long. 148°00′43″ W.)

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T–223 EHM to AMOTT [Revised]

EHM	NDB/DME	(Lat. 58°39′24″ N., long. 162°04′17″ W.)
DLG	VOR/DME	(Lat. 58°59′39″ N., long. 158°33′08″ W.)
FAGIN	FIX	(Lat. 59°51′56″ N., long. 155°32′43″ W.)
NONDA	FIX	(Lat. 60°19′16″ N., long. 153°47′58″ W.)
BLUGA	FIX	(Lat. 60°46′22″ N., long. 151°55′07″ W.)
AMOTT	FIX	(Lat. 60°53′56″ N., long. 151°21′46″ W.)

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T–227 SYA to SCC [Revised]

SYA	VORTAC	(Lat. 52°43′06″ N., long. 174°03′44″ E.)
JANNT	WP	(Lat. 52°04′18″ N., long. 178°15′37″ W.)
BAERE	WP	(Lat. 52°12′12″ N., long. 176°08′09″ W.)
ALEUT	FIX	(Lat. 54°14′17″ N., long. 166°32′52″ W.)
MORDI	FIX	(Lat. 54°52′50″ N., long. 165°03′15″ W.)
GENFU	FIX	(Lat. 55°23′18″ N., long. 163°06′22″ W.)
BINAL	FIX	(Lat. 55°46′00″ N., long. 161°59′56″ W.)
PDN	NDB/DM	(Lat. 56°57′15″ N., long. 158°38′51″ W.)
AMOTT	FIX	(Lat. 60°53′56″ N., long. 151°21′46″ W.)
ANC	VOR/DME	(Lat. 61°09′03″ N., long. 150°12′24″ W.)
FAI	VORTAC	(Lat. 64°48′00″ N., long. 148°00′43″ W.)
SCC	VOR/DME	(Lat. 70°11′57″ N., long. 148°24′58″ W.)

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T–228 EHM to ROCES [Revised]

EHM	NDB/DME	(Lat. 58°39′24″ N., long. 162°04′17″ W.)
RUFVY	WP	(Lat. 59°56′34″ N., long. 161°49′28″ W.)
HPB	VOR/DME	(Lat. 61°30′52″ N., long. 166°08′04″ W.)
OME	VOR/DME	(Lat. 64°29′06″ N., long. 165°15′11″ W.)
HIKAX	WP	(Lat. 65°36′20″ N., long. 165°44′44″ W.)
SHH	NDB	(Lat. 66°15′29″ N., long. 166°03′09″ W.)
ECIPI	FIX	(Lat. 67°55′48″ N., long. 165°29′58″ W.)
BRW	VOR/DME	(Lat. 71°16′24″ N., long. 156°47′17″ W.)
SCC	VOR/DME	(Lat. 70°11′57″ N., long. 148°24′58″ W.)
ROCES	WP	(Lat. 70°08′34″ N., long. 144°08′16″ W.)

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T–231 FAI to OTZ [Revised]

FAI	VORTAC	(Lat. 64°48′00″ N., long. 148°00′43″ W.)
OTZ	VOR/DME	(Lat. 66°53′09″ N., long. 162°32′24″ W.)

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T–232 BRW to ORT [Revised]

BRW	VOR/DME	(Lat. 71°16′24″ N., long. 156°47′17″ W.)
BRONX	FIX	(Lat. 70°04′02″ N., long. 155°06′35″ W.)
BTT	VOR/DME	(Lat. 66°54′18″ N., long. 151°32′09″ W.)
FAI	VORTAC	(Lat. 64°48′00″ N., long. 148°00′43″ W.)
BIG	VORTAC	(Lat. 64°00′16″ N., long. 145°43′02″ W.)
ORT	VORTAC	(Lat. 62°56′50″ N., long. 141°54′46″ W.)

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T–240 BTT to SCC [Revised]

BTT	VOR/DME	(Lat. 66°54′18″ N., long. 151°32′09″ W.)
NAMRE	WP	(Lat. 69°06′29″ N., long. 149°34′00″ W.)
SCC	VOR/DME	(Lat. 70°11′57″ N., long. 148°24′58″ W.)

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T–246 BRW to ANC [Revised]

BRW	VOR/DME	(Lat. 71°16′24″ N., long. 156°47′17″ W.)
GAL	VORTAC	(Lat. 64°44′17″ N., long. 156°46′38″ W.)
MCG	VORTAC	(Lat. 62°57′04″ N., long. 155°36′41″ W.)
ANC	VOR/DME	(Lat. 61°09′03″ N., long. 150°12′24″ W.)

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T–248 GAM to ENM [Revised]

GAM	NDB/DME	(Lat. 63°46′55″ N., long. 171°44′12″ W.)
QAYAQ	WP	(Lat. 63°52′14″ N., long. 169°59′42″ W.)
ENM	VOR/DME	(Lat. 62°47′05″ N., long. 164°29′15″ W.)

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T–250 ULL to BET [Revised]

ULL	VOR/DME	(Lat. 63°41′32″ N., long. 170°28′12″ W.)
QAYAQ	WP	(Lat. 63°52′14″ N., long. 169°59′42″ W.)
BANAT	WP	(Lat. 62°12′49″ N., long. 165°40′01″ W.)
BET	VORTAC	(Lat. 60°47′05″ N., long. 161°49′28″ W.)

* * * * * * *

T–252 OME to SCC [Revised]

OME	VOR/DME	(Lat. 64°29′06″ N., long. 165°15′11″ W.)
OTZ	VOR/DME	(Lat. 66°53′09″ N., long. 162°32′24″ W.)
SCC	VOR/DME	(Lat. 70°11′57″ N., long. 148°24′58″ W.)

* * * * * * *

T–260 PHO to OME [Revised]

PHO	NDB	(Lat. 68°20′41″ N., long. 166°47′51″ W.)
COGNU	WP	(Lat. 65°48′29″ N., long. 167°50′06″ W.)
TNC	NDB/DME	(Lat. 65°33′43″ N., long. 167°55′27″ W.)
OME	VOR/DME	(Lat. 64°29′07″ N., long. 165°15′11″ W.)

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T–239 GAM to ULL [Remove]

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T–256 GAL to BRW [Remove]

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T–258 SHH to PHO [Remove]

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T–268 FPN to ICK [Remove]

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Issued in Washington, DC, on January 14, 2009.

Edith V. Parish,

Manager, Airspace and Rules Group.

[FR Doc. E9–2976 Filed 2–11–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2008–1261; Airspace Docket No. 06–ASO–18]

Proposed Amendment and Establishment of Restricted Areas and Other Special Use Airspace, Avon Park Air Force Range; FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to restructure the special use airspace (SUA), consisting of restricted areas and military operations areas (MOA), at the Avon Park Air Force Range (APAFR), Florida. The proposed changes would provide additional restricted airspace needed for training in high altitude weapons releases and other hazardous activities, and would reconfigure the MOAs to contain nonhazardous flight operations. The changes would permit more realistic training in modern tactics to be conducted at the Range and enable more efficient use of the National Airspace System.

DATES: Comments must be received on or before March 30, 2009.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; telephone: (202) 366–9826. You must identify FAA Docket No. FAA–2008–1261 and Airspace Docket No. 06–ASO–18, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov*. Comments on environmental and land use aspects should be directed to: 23rd Wing, Det 1, OLA/CEVN, Avon Park Air Force Range Natural Resources Office, 29 South Blvd., Avon Park AFR FL 33825–9381 (Mr. Tod Zechiel; telephone: (863) 452–4119, ext. 328).

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace and Rules Group, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Comments are also invited on the nonregulatory MOA portion of this proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2008–1261 and Airspace Docket No. 06–ASO–18) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov*.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2008–1261 and Airspace Docket No. 06–ASO–18.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received and any final disposition in person at the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

History

The special use airspace at the Avon Park Air Force Range includes restricted areas and MOAs. The restricted areas support a variety of hazardous activities including both ground-based and air-delivered weapons employment. Restricted areas are regulatory airspace areas that are designated under Title 14, Code of Federal Regulations (14 CFR) part 73 rulemaking procedures. Restricted areas are designated to contain activities that may present a hazard to aircraft. No person may operate an aircraft within a restricted area without the advance permission of the using or controlling agency.

The APAFR MOAs are used primarily as holding and maneuvering areas for aircraft operating in the restricted areas. MOAs are nonregulatory airspace areas that are established administratively and published in the National Flight Data Digest (NFDD). MOAs are established to separate or segregate non-hazardous military flight activities from aircraft operating in accordance with instrument flight rules (IFR), and to advise pilots flying under visual flight rules (VFR) where these activities are conducted. IFR aircraft may be routed through an active MOA only when air traffic control can provide approved separation from the MOA activity. VFR pilots are not restricted from flying in an active MOA, but are advised to exercise caution while doing so. Normally, MOA proposals are not published in a NPRM but, instead, are advertised for public comment through a nonrule circular distributed by the FAA Service Center office to aviation interests in the affected area. When a nonrulemaking action is an integral part of a rulemaking action, FAA procedures allow for the nonrulemaking proposal to be included in the NPRM. Because the MOAs are an integral part of the Avon Park Range, the proposed changes are being described in this NPRM. Comments on the proposed MOA changes may also be submitted as

indicated above in the ''Comments Invited'' section of this NPRM.

The U.S. Air Force requested modifications to the APAFR airspace to better support essential training requirements. Driving the request are the technological advances that have been made in aircraft targeting systems. These advances allow accurate weapons delivery from higher altitudes and greater distances from the target resulting in the requirement for additional restricted airspace at the APAFR. The proposed restricted airspace, if approved, would accommodate realistic training in targeting pod employment, lights-out night vision goggles training, laser operations and high/ultra-high altitude weapons release.

Currently the APAFR supports training in low to medium altitude tactics well, but the existing Ranges' restricted area ceiling of flight level (FL) 180 is inadequate for training at high and ultra-high altitudes. The APAFR's airspace vertical structure has not kept pace with the requirements of modern combat tactics and today's significantly increased fighter and bomber aircraft capabilities. In general, combat pilots require higher altitudes and greater stand-off distances from the target in order to reduce their exposure to enemy ground threats. The proposed changes would permit training in various tactics that are currently being used in combat.

All airspace changes proposed would be contained within the existing outer lateral boundary of the APAFR restricted and MOA airspace. The vertical limits of the airspace would be expanded upward to higher altitudes than are currently published. Additionally, the existing altitude floors would remain unchanged.

The APAFR is now, and will continue to be, designated as ''joint-use'' airspace. This means that, during periods when the area, or parts of the area, are not needed by the using agency for its designated purposes, the airspace will be returned to the controlling agency for access by other National Airspace System users. The Miami Air Route Traffic Control Center (ARTCC) is the controlling agency for the APAFR airspace area.

Proposed MOA Changes

The FAA is proposing changes that would subdivide the Lake Placid MOA, cancel the Avon North and South MOAs, establish the Avon East High MOA, amend some MOA times of use, amend some MOA altitude ceilings, and change the name of the using agency for all APAFR MOAs. Specifically, the Lake Placid MOA would be subdivided into three parts: Lake Placid North, Lake Placid West and Lake Placid East. The purpose of subdividing the Lake Placid MOA is to enable the release to the Miami ARTCC of those subdivisions that are not in use, thus allowing more efficient traffic flows for nonparticipating aircraft. The subdivisions will also facilitate coordination between the user and Miami ARTCC. Additionally, the boundary along the east side of the new Lake Placid North and West MOAs would be realigned to eliminate sections of the MOA that overlap into restricted airspace. The times of use for the reconfigured Lake Placid MOAs would include a provision to allow for activation of the airspace at ''other times by NOTAM.'' The published altitudes for the Lake Placid MOAs would remain 7,000 feet mean sea level (MSL) to but not including FL 180.

The existing Avon North and Avon South MOAs, which both extend upward from 5,000 feet MSL to but not including FL 180, would be cancelled and the airspace converted into Restricted Areas R–2901M and R–2901N, respectively. A new MOA, designated Avon East High, would be established directly above the existing Avon East MOA. The Avon East MOA currently extends from 500 feet above ground level (AGL) up to but not including 14,000 feet MSL. The Avon East High MOA would create new MOA airspace that extends above the Avon East MOA from 14,000 feet MSL to but not including FL 180.

The times of use for the Basinger and Marian MOAs would be changed to add a provision to allow for activation of the airspace at ''other times by NOTAM.'' This change would align the Basinger and Marian MOA times of use with the other APAFR airspace areas.

A minor change to the altitudes of some MOAs would be made by inserting the words ''to but not including'' before the upper altitude limit (ceiling) of the areas. This change will prevent altitude conflict with overlying MOA airspace areas.

Finally, the name of the using agency for all APAFR MOAs would be changed to read ''U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL,'' to reflect the current organizational title. The proposed MOA changes are as follows:

Avon East MOA, FL [Amended]

By removing the current using agency and substituting the following:

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

Avon East High MOA, FL [New]

Boundaries. Beginning at lat. 27°44′46″ N., long. 81°11′39″ W.; to lat. 27°44′46″ N., long. 81°08′29″ W.; to lat. 27°34′01″ N., long. 81°04′29″ W.; to lat. 27°32′31″ N., long. 81°07′29″ W.; to lat. 27°35′01″ N., long. 81°08′59″ W.; to the point of beginning.

Altitudes. 14,000 feet to but not including FL 180.

Times of use. Intermittent, normally daylight hours, Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Miami ARTCC.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

Basinger MOA, FL [Amended]

By removing the current times of use and using agency and substituting the following:

Times of use. Intermittent, normally daylight hours, Monday–Friday; occasionally Saturday and Sunday; other times by NOTAM.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

Lake Placid North MOA, FL [New]

Boundaries. Beginning at lat. 27°53′31″ N., long. 81°51′59″ W.; to lat. 28°00′01″ N., long. 81°20′59″ W.; to lat. 27°55′01″ N., long. 81°25′19″ W.; to lat. 27°42′49″ N., long. 81°36′16″ W.; to lat. 27°35′44″ N., long. 81°42′14″ W.; to the point of beginning.

Altitudes. 7,000 feet MSL to but not including FL 180.

Times of use. Intermittent, normally daylight hours, Monday–Friday; occasionally on Saturday and Sunday; other times by NOTAM.

Controlling agency. FAA, Miami ARTCC.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

Lake Placid West MOA, FL [New]

Boundaries. Beginning at lat. 27°35′44″ N., long. 81°42′14″ W.; to lat. 27°42′49″ N., long. 81°36′16″ W.; to lat. 27°21′30″ N., long. 81°28′00″ W.; to lat. 27°04′01″ N., long. 81°16′59″ W.; to lat. 27°04′01″ N., long. 81°24′59″ W.; to the point of beginning.

Altitudes. 7,000 feet MSL to but not including FL 180.

Times of use. Intermittent, normally daylight hours, Monday–Friday; occasionally on Saturday and Sunday; other times by NOTAM.

Controlling agency. FAA, Miami ARTCC.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

Lake Placid East MOA, FL [New]

Boundaries. Beginning at lat. 27°42′49″ N., long. 81°36′16″ W.; to lat. 27°55′01″ N., long. 81°25′19″ W.; to lat. 27°42′01″ N., long. 81°25′19″ W.; to lat. 27°32′33″ N., long. 81°21′39″ W.; to lat. 27°30′46″ N., long. 81°17′49″ W.; to lat. 27°24′46″ N., long. 81°10′59″ W.; to lat. 27°15′01″ N., long. 81°04′59″ W.; to lat. 27°04′01″ N., long. 81°16′59″ W.; to lat. 27°21′30″ N., long. 81°28′00″ W.; to the point of beginning.

Altitudes. 7,000 feet MSL to but not including FL 180.

Times of use. Intermittent, normally daylight hours, Monday–Friday; occasionally on Saturday and Sunday; other times by NOTAM.

Controlling agency. FAA, Miami ARTCC.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL

Marian MOA, FL [Amended]

By removing the times of use and current using agency and substituting the following:

Times of use. Intermittent, normally daylight hours, Monday–Friday; occasionally Saturday and Sunday; other times by NOTAM.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL

Restricted Area Proposal

The FAA is proposing an amendment to 14 CFR part 73 to expand the restricted airspace at the APAFR to permit training in real-world tactics during combat. The current ceiling of restricted airspace at the APAFR is FL 180, thus limiting training in various high-altitude offensive tactics that are essential for combat readiness. This proposal would add new restricted area subdivisions to raise the ceiling of restricted airspace at the Range to a maximum of FL 400. The current restricted area floors would remain unchanged. As discussed above, the Avon North and Avon South MOAs would be cancelled and the airspace converted to Restricted Areas R–2901M and R–2901N, respectively. This would add restricted airspace up to but not including 14,000 feet MSL in those areas. The lateral boundaries of R–2901B would be expanded so that the area overlies all APAFR restricted airspace. In addition, the ceiling of R–2901B would be changed to read ''to but not including FL 180.'' In order to provide the higher restricted area airspace needed for training; three new restricted areas (R–2901J, R–2901K and R–2901L) would be designated above R–2901B. R–2901J would directly overlie R–2901B and would extend from FL 180 up to but not including FL 230. R–2901K would overlie R–2901J and would extend from FL 230 up to but not including FL 310. R–2901L would overlie R–2901K and would extend from FL 310 up to and including FL 400. This structure of restricted area subdivisions would allow the airspace to be activated in segments, as needed, up to FL 400. In addition, restricted area segments when not required for the mission would be released to Miami ARTCC for access by nonparticipating aircraft.

Finally, the name of the using agency for all APAFR restricted areas would be changed to read ''U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL,'' to reflect the current organizational title.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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 proposed 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 United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in SubtitileVII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the 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 will restructure the SUA at the APAFR, Florida.

Environmental Review

This proposal will be subjected to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 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.

§ 73.29 (Amended)

2. § 73.29 is amended as follows:

* * * * *

R–2901A Avon Park, FL [Amended]

By removing the current designated altitudes and using agency and substituting the following:

Designated altitudes. Surface to but not including 14,000 feet MSL.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

* * * * *

R–2901B Avon Park, FL [Revised]

Boundaries. Beginning at lat. 28°00′01″ N., long. 81°20′59″ W.; to lat. 28°00′01″ N., long. 81°13′59″ W.; to lat. 27°44′46″ N., long. 81°13′59″ W.; to lat. 27°44′46″ N., long. 81°11′39″ W.; to lat. 27°35′01″ N., long. 81°08′59″ W.; to lat. 27°21′01″ N., long. 80°59′59″ W.; to lat. 27°16′46″ N., long. 81°05′59″ W.; to lat. 27°24′46″ N., long. 81°10′59″ W.; to lat. 27°30′46″ N., long. 81°17′49″ W.; to lat. 27°32′33″ N., long. 81°21′39″ W.; to lat. 27°42′01″ N., long. 81°25′19″ W.; to lat. 27°55′01″ N., long. 81°25′19″ W.; to the point of beginning.

Designated altitudes. 14,000 feet MSL to but not including FL 180.

Time of designation. Intermittent, 0600–2400, Monday–Friday; 0800–1800, Saturday–Sunday; other times by NOTAM 6 hours in advance.

Controlling agency. FAA, Miami ARTCC.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

* * * * *

R–2901C Avon Park, FL [Amended]

By removing the current designated altitudes and using agency and substituting the following:

Designated altitudes. Surface to but not including 14,000 feet MSL.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

* * * * *

R–2901D Avon Park, FL [Amended]

By removing the current designated altitudes and using agency and substituting the following:

Designated altitudes. 500 feet MSL to but not including 4,000 feet MSL east of long. 81°21′00″ W.; 1,000 feet AGL to but not including 4,000 feet MSL west of long. 81°21′00″ W.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

* * * * *

R–2901E Avon Park, FL [Amended]

By removing the current designated altitudes and using agency and substituting the following:

Designated altitudes. 1,000 feet MSL to but not including 4,000 feet MSL.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

* * * * *

R–2901F Avon Park, FL [Amended]

By removing the current designated altitudes and substituting the following:

Designated altitudes. 4,000 feet MSL to but not including 5,000 feet MSL.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

* * * * *

R–2901G Avon Park, FL [Amended]

By removing the current designated altitudes and using agency and substituting the following:

Designated altitudes. Surface to but not including 5,000 feet MSL.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

* * * * *

R–2901H Avon Park, FL [Amended]

By removing the current designated altitudes and using agency and substituting the following:

Designated altitudes. 1,000 feet MSL to but not including 4,000 feet MSL.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

* * * * *

R–2901I Avon Park, FL [Amended]

By removing the current designated altitudes and using agency and substituting the following:

Designated altitudes. 1,500 feet MSL to but not including 4,000 feet MSL

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

* * * * *

R–2901J Avon Park, FL [New]

Boundaries. Beginning at lat. 28°00′01″ N., long. 81°20′59″ W.; to lat. 28°00′01″ N., long. 81°13′59″ W.; to lat. 27°44′46″ N., long. 81°13′59″ W.; to lat. 27°44′46″ N., long. 81°11′39″ W.; to lat. 27°35′01″ N., long. 81°08′59″ W.; to lat. 27°21′01″ N., long. 80°59′59″ W.; to lat. 27°16′46″ N., long. 81°05′59″ W.; to lat. 27°24′46″ N., long. 81°10′59″ W.; to lat. 27°30′46″ N., long. 81°17′49″ W.; to lat. 27°32′33″ N., long. 81°21′39″ W.; to lat. 27°42′01″ N., long. 81°25′19″ W.; to lat. 27°55′01″ N., long. 81°25′19″ W.; to the point of beginning.

Designated altitudes. FL 180 to but not including FL 230.

Time of designation. Intermittent, 0600–2400, Monday–Friday; 0800–1800, Saturday–Sunday; other times by NOTAM 6 hours in advance.

Controlling agency. FAA, Miami ARTCC.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

* * * * *

R–2901K Avon Park, FL [New]

Boundaries. Beginning at lat. 28°00′01″ N., long. 81°20′59″ W.; to lat. 28°00′01″ N., long. 81°13′59″ W.; to lat. 27°44′46″ N., long. 81°13′59″ W.; to lat. 27°44′46″ N., long. 81°11′39″ W.; to lat. 27°35′01″ N., long. 81°08′59″ W.; to lat. 27°21′01″ N., long. 80°59′59″ W.; to lat. 27°16′46″ N., long. 81°05′59″ W.; to lat. 27°24′46″ N., long. 81°10′59″ W.; to lat. 27°30′46″ N., long. 81°17′49″ W.; to lat. 27°32′33″ N., long. 81°21′39″ W.; to lat. 27°42′01″ N., long. 81°25′19″ W.; to lat. 27°55′01″ N., long. 81°25′19″ W.; to the point of beginning.

Designated altitudes. FL 230 to but not including FL 310.

Time of designation. Intermittent, 0600–2400, Monday–Friday; 0800–1800, Saturday–Sunday; other times by NOTAM 6 hours in advance.

Controlling agency. FAA, Miami ARTCC.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

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R–2901L Avon Park, FL [New]

Boundaries. Beginning at lat. 28°00′01″ N., long. 81°20′59″ W.; to lat. 28°00′01″ N., long. 81°13′59″ W.; to lat. 27°44′46″ N., long. 81°13′59″ W.; to lat. 27°44′46″ N., long. 81°11′39″ W.; to lat. 27°35′01″ N., long. 81°08′59″ W.; to lat. 27°21′01″ N., long. 80°59′59″ W.; to lat. 27°16′46″ N., long. 81°05′59″ W.; to lat. 27°24′46″ N., long. 81°10′59″ W.; to lat. 27°30′46″ N., long. 81°17′49″ W.; to lat. 27°32′33″ N., long. 81°21′39″ W.; to lat. 27°42′01″ N., long. 81°25′19″ W.; to lat. 27°55′01″ N., long. 81°25′19″ W.; to the point of beginning.

Designated altitudes. FL 310 to FL 400.

Time of designation. Intermittent, 0600–2400, Monday–Friday; 0800–1800, Saturday–Sunday; other times by NOTAM 6 hours in advance.

Controlling agency. FAA, Miami ARTCC.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

* * * * *

R–2901M Avon Park, FL [New]

Boundaries. Beginning at lat. 28°00′01″ N., long. 81°20′59″ W.; to lat. 28°00′01″ N., long. 81°13′59″ W.; to lat. 27°48′31″ N., long. 81°13′59″ W.; thence west along Florida State Routes 60 and 630 to lat. 27°46′01″ N., long. 81°25′19″ W.; to lat. 27°55′01″ N., long. 81°25′19″ W.; to the point of beginning.

Designated altitudes. 4,000 feet MSL to but not including 14,000 feet MSL.

Time of designation. Intermittent, 0600–2400, Monday–Friday; 0800–1800, Saturday-Sunday; other times by NOTAM 6 hours in advance.

Controlling agency. FAA, Miami ARTCC.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

* * * * *

R–2901N Avon Park, FL [New]

Boundaries. Beginning at lat. 27°32′33″ N., long. 81°21′39″ W.; to lat. 27°32′37″ N., long. 81°16′46″ W.; to lat. 27°29′01″ N., long. 81°13′29″ W.; to lat. 27°32′31″ N., long. 81°07′29″ W.; to lat. 27°29′31″ N., long. 81°05′29″ W.; to lat. 27°21′01″ N., long. 80°59′59″ W.; to lat. 27°16′46″ N., long. 81°05′59″ W.; to lat. 27°24′46″ N., long. 81°10′59″ W.; to lat. 27°30′46″ N., long. 81°17′49″ W.; to the point of beginning.

Designated altitudes. 5,000 feet MSL to but not including 14,000 feet MSL north of a line from lat. 27°24′46″ N., long. 81°10′59″ W. to lat. 27°29′31″ N., long. 81°05′29″ W. 4,000 feet MSL to but not including 14,000 feet MSL south of that line.

Time of designation. Intermittent, 0600–2400, Monday–Friday; 0800–1800, Saturday–Sunday; other times by NOTAM 6 hours in advance.

Controlling agency. FAA, Miami ARTCC.

Using agency. U.S. Air Force, Commander, 23rd Wing, Det 1, MacDill AFB, FL.

* * * * *

Issued in Washington, DC, on January 16, 2009.

Edith V. Parish,

Manager, Airspace and Rules Group.

[FR Doc. E9–2980 Filed 2–11–09; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Children's Products Containing Lead; Exemptions for Certain Electronic Devices; Withdrawal of Proposed Rule

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Consumer Product Safety Commission (CPSC or Commission) is withdrawing the proposed rule published in the **Federal Register** on January 15, 2009, 74 FR 2435, concerning certain children's electronic devices for which it is not technologically feasible to meet the lead limits as required under section 101 of the Consumer Product Safety Improvement Act of 2008 (CPSIA), Public Law 110–314, 122 Stat. 3016. The Commission is issuing an interim final rule on exemptions for certain children's electronic devices which is published elsewhere in today's **Federal Register**.

DATES: As of February 10, 2009, the CPSC withdraws the proposed rule on exemptions for certain electronic devices published on January 15, 2009, at 74 FR 2435.

FOR FURTHER INFORMATION CONTACT: Kristina Hatlelid, PhD, M.P.H., Directorate for Health Sciences, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814; telephone (301) 504–7254, e-mail *khatlelid@cpsc.gov*.

Dated: February 9, 2009.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. E9–3024 Filed 2–11–09; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–107318–08]

RIN 1545–BH75

Notice to Participants of Consequences of Failing To Defer Receipt of Qualified Retirement Plan Distributions; Expansion of Applicable Election Period and Period for Notices; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document cancels a public hearing on proposed rulemaking that would provide that the notice required under section 411(a)(11) to be provided to a participant of his or her right, if any, to defer receipt of an immediately distributable benefit must also describe the consequences of failing to defer receipt of the distribution. The proposed rulemaking would also

provide that the applicable election period for waiving the qualified joint and survivor annuity form of benefit under section 417 is the 180-day period ending on the annuity starting date, and that a notice required to be provided under section 402(f), section 411(a)(11), or section 417 may be provided to a participant as much as 180 days before the annuity starting date (or, for a notice under section 402(f), the distribution date). These regulations would affect administrators of, employers maintaining, participants in, and beneficiaries of tax-favored retirement plans.

DATES: The public hearing, originally scheduled for Friday, February 20, 2009, at 10 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Funmi Taylor of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration) at (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and a notice of public hearing that appeared in the **Federal Register** on Thursday, October 9, 2008 (73 FR 59575) announced that a public hearing was scheduled for February 20, 2009, at 10 a.m. in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is under sections 402(f), 411(a)(11), and 417 of the Internal Revenue Code.

The public comment period for the proposed rulemaking expired on January 7, 2008. The notice of proposed rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit an outline of the topics to be addressed. As of Wednesday, February 4, 2009, no one has requested to speak. Therefore, the public hearing scheduled for February 20, 2009, is cancelled.

LaNita VanDyke,

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

[FR Doc. E9–3066 Filed 2–11–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2008–1017]

RIN 1625–AA11

Regulated Navigation Areas; Bars Along the Coasts of Oregon and Washington

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish Regulated Navigation Areas (RNA) covering specific bars along the coasts of Oregon and Washington that will include procedures for restricting and/or closing those bars as well as additional safety requirements for recreational and small commercial vessels operating in the RNAs. The RNAs are necessary to help ensure the safety of the persons and vessels operating in those hazardous bar areas. The RNAs will do so by establishing clear procedures for restricting and/or closing the bars and mandating additional safety requirements for recreational and small commercial vessels operating in the RNAs when certain conditions exist.

DATES: Comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before March 16, 2009 or reach the Docket Management Facility by that date.

ADDRESSES: You may submit comments identified by docket number USCG–2008–1017 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand Delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these methods. For instructions on submitting comments, see the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call LCDR Emily Saddler, Thirteenth Coast Guard District, Prevention Division, Inspections and Investigations Branch, telephone 206–220–7210. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2008–1017), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online, or by fax, mail or hand delivery, but please use only one of these means. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov*, select the Advanced Docket Search option on the right side of the screen, insert ''USCG–2008–1017'' in the Docket ID box, press Enter, and then click on the balloon shape in the Actions column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, select the Advanced Docket Search option on the right side of the screen, insert USCG–2008–1017 in the Docket ID box, press Enter, and then click on the item in the

Docket ID column. You may also visit either the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; or the Thirteenth Coast Guard District, Prevention Division, Inspections and Investigations Branch in Room 3506 on the 35th floor of the Jackson Federal Building, 915 Second Avenue, Seattle, WA 98174, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The bars along the coasts of Oregon and Washington are a maritime operating environment unique to the Pacific Northwest. More importantly, the bars can and very often do become extremely hazardous for all types of maritime traffic. In fact, a review of recreational, passenger, and commercial fishing vessel casualty data shows that since 1992 there have been 39 vessel capsizings on or in the vicinity of the bars, resulting in 66 fatalities. Some notable recent vessel casualties include the capsizing of the inspected charter vessel TAKI–TOOO while trying to cross the Tillamook Bay bar, resulting in the deaths of 11 people, and the capsizing of the uninspected passenger vessel SYDNEY MAE II while attempting to cross the Umpqua River bar, resulting in the deaths of 3 people. In addition, several commercial fishing vessels, including the CATHERINE M, the ASH, the STARRIGAVAN and the NETWORK have recently capsized on or in the vicinity of various bars, resulting in the deaths of 10 people.

As evidenced in part by the tragedies noted above, the current regulations governing maritime traffic operating on and in the vicinity of the bars along the coasts of Oregon and Washington are insufficient to ensure the safety of the persons and vessels operating in those areas. Additionally, multiple Coast Guard and National Transportation Safety Board (NTSB) casualty investigations have indicated a need for additional regulations to mitigate the risks associated with the bars and enhance the safety of the persons and vessels operating on and in the vicinity of them. As such, the Thirteenth Coast Guard District is proposing this rule to help ensure the safety of persons and vessels operating on or in the vicinity of the bars.

Discussion of Proposed Rule

The purpose of this rule is to help ensure the safety of, and reduce the risk to, the persons and vessels that operate on and in the vicinity of the bars along the coasts of Oregon and Washington. The rule will do so by establishing clear procedures for restricting and/or closing the bars and mandating additional safety requirements for recreational and small commercial vessels operating on or in the vicinity of the bars when certain conditions exist. The former will help expedite bar restrictions and closures as well as the mariner notification process which will keep more vessels away from hazardous bars. The latter will require the use and/or making ready of safety equipment as well as additional reporting requirements when certain conditions exist which will help ensure the safety of persons on vessels that are on or in the vicinity of hazardous bars.

The proposed rule will replace the Regulated Boating Area provisions in 33 CFR Part 177. The geographic boundaries used to identify the bar areas in the proposed rule are the same as those currently used to identify the Regulated Boating Areas in 33 CFR Part 177, except for one minor change being made to the Umpqua River bar boundaries.

Regulatory Analyses

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

Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. The Coast Guard expects the economic impact of this proposed rule to be negligible in part because: (1) The rule does not require the purchase of equipment not already required to be on board the vessels affected. (2) The rule changes only the procedures for restricting and/or closing the bars, not the standards for determining when a restriction and/or closure will take place. (3) The restriction and/or closure of the bars is temporary and will only occur when necessary due to severe weather. (4) The maritime public will be advised of bar restrictions and/or closures via Broadcast Notice to Mariners and other methods of communication. (5) Vessels may be allowed to enter the RNAs when a bar restriction and/or closure is in place on a case-by-case basis with permission of the Captain of the Port (COTP), or his designated representative.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which may be small entities: The owners and operators of recreational vessels, uninspected passenger vessels, inspected small passenger vessels, and commercial fishing vessels. The rule would not have a significant economic impact on a substantial number of small entities; however, for the following reasons: (1) The rule does not require the purchase of equipment not already required to be on board the vessels affected. (2) The rule changes only the procedures for restricting and/or closing the bars, not the standards for determining when a restriction and/or closure will take place. (3) The restriction and/or closure of the bars is temporary and will only occur when necessary due to severe weather. (4) The maritime public will be advised of bar

restrictions and/or closures via Broadcast Notice to Mariners and other methods of communication. (5) Vessels may be allowed to enter the RNAs when a bar restriction and/or closure is in place on a case-by-case basis with permission of the COTP, or his designated representative.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LCDR Emily Saddler, Thirteenth Coast Guard District, Prevention Division, Inspections and Investigations Branch, telephone 206–220–7210. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 0023.1 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. Therefore, this rule is categorically excluded, under section 2.B.2. Figure 2–1, paragraph 34(g), of the Instruction and neither an environmental assessment nor an environmental impact statement is required. This rule involves establishing, disestablishing, or changing Regulated Navigation Areas and security or safety zones. A preliminary ''Environmental Analysis Checklist'' supporting this determination is available in the docket where indicated under the ''Public Participation and Request for Comments'' section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects

33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

33 CFR Part 177

Marine safety.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 and 33 CFR part 177 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add § 165.1322 to read as follows:

§ 165.1322 Regulated Navigation Areas; Bars along the Coasts of Oregon and Washington

(a) *Regulated navigation areas.* Each of the following areas is a regulated navigation area:

(1) *Quillayute River Entrance, Wash.:* From the west end of James Island 47°54′23″ N., 124°39′05″ W. southward to buoy No. 2 at 47°53′42″ N., 124°38′42″ W. eastward to the shoreline at 47°53′42″ N., 124°37′51″ W., thence northward along the shoreline to 47°54′29″ N., 124°38′20″ W. thence northward to 47°54′36″ N., 124°38′22″ W. thence westward to the beginning.

(2) *Grays Harbor Entrance, Wash.:* From a point on the shoreline at 46°59′00″ N., 124°10′10″ W. westward to 46°59′00″ N., 124°15′30″ W. thence southward to 46°51′00″ N., 124°15′30″ W. thence eastward to a point on the shoreline at 46°51′00″ N., 124°06′40″ W. thence northward along the shoreline to a point at the south jetty 46°54′20″ N., 124°08′07″ W. thence eastward to 46°54′10″ N., 124°05′00″ W. thence northward to 46°55′00″ N., 124°03′30″ W. thence northwestward to Damon Point at 46°56′50″ N., 124°06′30″ W. thence westward along the north shoreline of the harbor to the north jetty at 46°55′40″ N., 124°10′27″ W. thence northward along the shoreline to the beginning.

(3) *Willapa Bay, Wash.:* From a point on the shoreline at 46°46′00″ N., 124°05′40″ W. westward to 46°44′00″ N., 124°10′45″ W. thence eastward to a point on the shoreline at 46°35′00″ N., 124°03′45″ W. thence northward along the shoreline around the north end of Leadbetter Point thence southward along the east shoreline of Leadbetter Point to 46°36′00″ N., 124°02′15″ W. thence eastward to 46°36′00″ N., 124°00′00″ W. thence northward to Toke Point at 46°42′15″ N., 123°58′00″ W. thence westward along the north shoreline of the harbor and northward along the seaward shoreline to the beginning.

(4) *Columbia River Bar, Wash.-Oreg.:* From a point on the shoreline at 46°18′00″ N., 124°04′39″ W. thence westward to 46°18′00″ N., 124°09′30″ W. thence southward to 46°12′00″ N., 124°09′30″ W. thence eastward to a point on the shoreline at 46°12′00″ N., 123°59′33″ W. thence eastward to Tansy Point Range Front Light at 46°11′16″ N., 123°55′05″ W.; thence northward to Chinook Point at 46°15′08″ N., 123°55′25″ W. thence northwestward to the north end of Sand Island at 46°17′29″ N., 124°01′25″ W. thence southwestward to a point on the north shoreline of the harbor at 46°16′25″ N., 124°02′28″ W. thence northwestward and southwestward along the north shoreline of the harbor and northward along the seaward shoreline to the beginning.

(5) *Nehalem River Bar, Oreg.:* From a point on the shoreline 45°41′25″ N., 123°56′16″ W. thence westward 45°41′25″ N., 123°59′00″ W. thence southward to 45°37′25″ N., 123°59′00″ W. thence eastward to a point on the shoreline at 45°37′25″ N., 123°56′38″ W. thence northward along the shoreline to the north end of the south jetty at 45°39′40″ N., 123°55′45″ W. thence westward to a point on the shoreline at 45°39′45″ N., 123°56′19″ W. thence northward along the shoreline to the beginning.

(6) *Tillamook Bay Bar, Oreg.:* From a point on the shoreline at 45°35′15″ N., 123°57′05″ W. thence westward 45°35′15″ N., 124°00′00″ W. thence southward to 45°30′00″ N., 124°00′00″ W. thence eastward to a point on the shoreline at 45°30′00″ N., 123°57′40″ W. thence northward along the shoreline to the north end of Kincheloe Point at 45°33′30″ N., 123°56′05″ W. thence northward to a point on the north shoreline of the harbor at 45°33′40″ N., 123°55′59″ W. thence westward along the north shoreline of the harbor then northward along the seaward shoreline to the beginning.

(7) *Netarts Bay Bar, Oreg.:* From a point on the shoreline at 45°28′05″ N. thence westward to 45°28′05″ N., 124°00′00″ W. thence southward to 45°24′00″ N., 124°00′00″ W. thence eastward to a point on the shoreline at 45°24′00″ N., 123°57′45″ W. thence northward along the shoreline to 45°26′03″ N., 123°57′15″ W. thence eastward to a point on the north shoreline of the harbor at 45°26′00″ N., 123°56′57″ W. thence northward along the shoreline to the beginning.

(8) *Siletz Bay Bar, Oreg.:* From a point on the shoreline at 44°56′32″ N., 124°01′29″ W. thence westward to 44°56′32″ N., 124°03′00″ W. thence southward to 44°54′40″ N., 124°03′15″ W. thence eastward to a point on the shoreline at 44°54′40″ N., 124°01′55″ W. thence northward along the shoreline to 44°55′35″ N., 124°01′25″ W. thence northward to a point on the north shoreline of the harbor at 44°55′45″ N., 124°01′20″ W. thence westward and northward along the shoreline to the beginning.

(9) *Depoe Bay Bar, Oreg.:* From a point on the shoreline at 44°49′15″ N., 124°04′00″ W. thence westward to 44°49′15″ N., 124°04′35″ W. thence southward to 44°47′55″ N., 124°04′55″ W. thence eastward to a point on the shoreline at 44°47′53″ N., 124°04′25″ W. thence northward along the shoreline and eastward along the south bank of the entrance channel to the highway bridge thence northward to the north bank at the bridge thence westward along the north bank of the entrance channel and northward along the seaward shoreline to the beginning.

(10) *Yaquina Bay Bar, Oreg.:* From a point on the shoreline at 44°38′11″ N., 124°03′47″ W. thence westward to 44°38′11″ N., 124°05′55″ W. thence southward to 44°35′15″ N., 124°06′05″ W. thence eastward to a point on the shoreline at 44°35′15″ N., 124°04′02″ W. thence northward along the shoreline and eastward along the south bank of the entrance channel to the highway bridge thence northward to the north bank of the entrance channel at the bridge thence westward along the north bank of the entrance channel and northward along the seaway shoreline to the beginning.

(11) *Siuslaw River Bar, Oreg.:* From a point on the shoreline at 44°02′00″ N., 124°08′00″ W. thence westward to 44°02′00″ N., 124°09′30″ W. thence southward to 44°00′00″ N., 124°09′30″ W. thence eastward to a point on the shoreline at 44°00′00″ N., 124°08′12″ W. thence northward along the shoreline and southward along the west bank of the entrance channel to 44°00′35″ N., 124°07′48″ W. thence southeastward to a point on the east bank of the entrance channel at 44°00′20″ N., 124°07′31″ W. thence northward along the east bank of the entrance channel and northward along the seaward shoreline to the beginning.

(12) *Umpqua River Bar, Oreg.:* From a point on the shoreline at 43°41′20″ N., 124°11′58″ W. thence westward to 43°41′20″ N., 124°13′32″ W. thence southward to 43°38′35″ N., 124°14′25″ W. thence eastward to a point on the shoreline at 43°38′35″ N., 124°12′35″ W. thence northward along the shoreline to light ''8'' at 43°40′57″ N., 124°11′13″ W. thence southwestward to a point on the west bank of the entrance channel at 43°40′52″ N., 124°11′34″ W. thence southwestward along the west bank of the entrance channel thence northward along the seaward shoreline to the beginning.

(13) *Coos Bay Bar, Oreg.:* From a point on the shoreline at 43°22′15″ N., 124°19′34″ W. thence westward to 43°22′20″ N., 124°22′28″ W. thence southwestward to 43°21′00″ N., 124°23′35″ W. thence southeastward to a point on the shoreline at 43°20′25″ N., 124°22′28″ W. thence northward along the shoreline and eastward along the south shore of the entrance channel to a point on the shoreline at 43°20′52″ N., 124°19′12″ W. thence eastward to a point on the east shoreline of the harbor at 43°21′00″ N., 124°18′50″ W. thence northward to a point on the west shoreline of the harbor at 43°21′45″ N., 124°19′10″ W. thence south and west along the west shoreline of the harbor thence northward along the seaward shoreline to the beginning.

(14) *Coquille River Bar, Oreg.:* From a point on the shoreline at 43°08′25″ N., 124°25′04″ W. thence southwestward to 43°07′50″ N., 124°27′05″ W. thence southwestward to 43°07′03″ N., 124°28′25″ W. thence eastward to a point on the shoreline at 43°06′00″ N., 124°25′55″ W. thence northward along the shoreline and eastward along the south shoreline of the channel entrance to 43°07′17″ N., 124°25′00″ W. thence northward to the east end of the north jetty at 43°07′24″ N., 124°24′59″ W. thence westward along the north shoreline of the entrance channel and northward along the seaward shoreline to the beginning.

(15) *Rogue River Bar, Oreg.:* From a point on the shoreline at 42°26′25″ N., 124°26′03″ W. thence westward to 42°26′10″ N., 124°27′05″ W. thence southward to 42°24′15″ N., 124°27′05″ W. thence eastward to a point on the shoreline at 42°24′15″ N., 124°25′30″ W. thence northward along the shoreline and eastward along the south shoreline of the entrance channel to the highway bridge thence northward across the inner harbor jetty to a point on the north shoreline of the entrance channel at the highway bridge thence westward along the north shoreline of the entrance channel thence northward along the seaward shoreline to the beginning.

(16) *Chetco River Bar, Oreg.:* From a point on the shoreline at 42°02′35″ N., 124°17′20″ W. thence southeastward to 42°01′45″ N., 124°16′30″ W. thence northwestward to a point on the shoreline at 42°02′10″ N., 124°15′35″ W. thence northwestward along the shoreline thence northward along the east shoreline of the channel entrance to 42°02′47″ N., 124°16′03″ W. thence northward along the west face of the inner jetty and east shoreline of the channel entrance to the highway bridge thence westward to the west shoreline of the channel at the highway bridge thence southward along the west shoreline of the channel thence westward along the seaward shoreline to the beginning.

(b) *Definitions.* For the purposes of this section:

(1) *Bar crossing plan* (also known as a Go/No-Go plan) means a plan developed by local industry professionals, in coordination with the Coast Guard, for a bar within a regulated navigation area established in paragraph (a) of this section and adopted by the master or operator of a small passenger vessel to guide his vessel's operations on and in the vicinity of that bar.

(2) *Bar restriction* means passage across a bar within a regulated navigation area established in paragraph (a) of this section has been prohibited by the Coast Guard due to unsafe conditions.

(3) *Commercial fishing industry vessel* means a fishing vessel, fish tender vessel, or a fish processing vessel.

(4) *Designated representative* means any Coast Guard commissioned, warrant, or petty officer that has been authorized by the Captain of the Port to act on his behalf.

(5) *Fish processing vessel* means a vessel that commercially prepares fish or fish products other than by gutting, decapitating, gilling, skinning, shucking, icing, freezing, or brine chilling.

(6) *Fish tender vessel* means a vessel that commercially supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish to or from a fishing, fish processing, or fish tender vessel or a fish processing facility.

(7) *Fishing vessel* means a vessel that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

(8) *Immediately available* means equipment that is taken out of stowage and readily accessible within the same space as any person for immediate use during an emergency.

(9) *Recreational vessel* is any vessel manufactured or used primarily for non-commercial use or leased, rented, or chartered to another for the latter's non-commercial use. It does not include a vessel engaged in carrying paying passengers.

(10) *Small passenger vessel* means a vessel inspected under 46 CFR Subchapter T or 46 CFR Subchapter K.

(11) *Uninspected passenger vessel* means an uninspected vessel—

(i) Of at least 100 gross tons;

(A) Carrying not more than 12 passengers, including at least one passenger-for-hire; or

(B) That is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than 12 passengers; or

(ii) Of less than 100 gross tons;

(A) Carrying not more than six passengers, including at least one passenger-for-hire; or

(B) That is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than six passengers.

(12) *Unsafe condition* exists when the wave height within a regulated navigation area identified in paragraph (a) of this section is equal to or greater than the maximum wave height determined by the formula L/10 + F = W where:

L = Overall length of a vessel measured in feet in a straight horizontal line along and parallel with the centerline between the intersections of this line with the vertical planes of the stem and stern profiles excluding deckhouses and equipment.

F = The minimum freeboard when measured in feet from the lowest point along the upper strake edge to the surface of the water.

W = Maximum wave height in feet to the nearest highest whole number.

(c) *Regulations.*

(1)(i) *Bar restriction.* Passage across the bars located in the regulated navigation areas established in paragraph (a) of this section will be restricted for recreational and uninspected passenger vessels as determined by the Captain of the Port (COTP) or his designated representative. In making this determination, the COTP or his designated representative will determine whether an unsafe condition exists for such vessels as defined in paragraph (b) of this section. Additionally, the COTP or his designated representative will use their professional maritime experience and knowledge of local environmental conditions in making their determination. Factors that will be considered include, but are not limited to: Size and type of vessel, sea state, winds, wave period, and tidal currents. When a bar is restricted, the operation of recreational and uninspected passenger vessels in the regulated navigation area established in paragraph (a) of this section in which the restricted bar is located is prohibited unless specifically authorized by the COTP or his designated representative.

(ii) *Bar closure.* The bars located in the regulated navigation areas established in paragraph (a) of this

section will be closed to all vessels whenever environmental conditions exceed the operational limitations of the relevant Coast Guard search and rescue resources as determined by the COTP. When a bar is closed, the operation of any vessel in the regulated navigation area established in paragraph (a) of this section in which the closed bar is located is prohibited unless specifically authorized by the COTP or his designated representative.

(iii) The Coast Guard will notify the public of bar restrictions and bar closures via a Broadcast Notice to Mariners on VHF–FM Channel 16 and 22A. Additionally, Coast Guard personnel may be on-scene to advise the public of any bar restrictions and/or closures.

(2) *Safety Requirements for Recreational Vessels.* The operator of any recreational vessel operating in a regulated navigation area established in paragraph (a) of this section shall ensure that whenever their vessel is being towed or escorted across a bar by the Coast Guard all persons located in any unenclosed areas of their vessel are wearing lifejackets and that lifejackets are immediately available for/to all persons located in any enclosed areas of their vessel.

(3) *Safety Requirements for Uninspected Passenger Vessels* (*UPV*). (i) The master or operator of any uninspected passenger vessel operating in a regulated navigation area established in paragraph (a) of this section shall ensure that all persons located in any unenclosed areas of their vessel are wearing lifejackets and that lifejackets are immediately available for/to all persons located in any enclosed areas of their vessel:

(A) When crossing the bar and a bar restriction exists for recreational vessels of the same length or

(B) Whenever their vessel is being towed or escorted across the bar by the Coast Guard.

(ii) The master or operator of any uninspected passenger vessel operating in a regulated navigation area established in paragraph (a) of this section during the conditions described in paragraph (c)(3)(i)(A) of this section shall contact the Coast Guard on VHF–FM Channel 16 prior to crossing the bar between sunset and sunrise. The master or operator shall report the following:

(A) Vessel name,

(B) Vessel location or position,

(C) Number of persons onboard the vessel, and

(D) Vessel destination.

(4) *Safety Requirements for Small Passenger Vessels* (*SPV*).

(i) The master or operator of any small passenger vessel operating in a regulated navigation area established in paragraph (a) of this section shall ensure that all persons located in any unenclosed areas of their vessel are wearing lifejackets and that lifejackets are immediately available for/to all persons located in any enclosed areas of their vessel:

(A) When crossing the bar and a bar restriction exists for recreational vessels or uninspected passenger vessels of the same length or

(B) Whenever their vessel is being towed or escorted across the bar by the Coast Guard.

(ii) Small passenger vessels with bar crossing plans that have been reviewed by and accepted by the Officer in Charge of Marine Inspection (OCMI) are exempt from the safety requirements provided in paragraph (c)(4)(i) of this section during the conditions described in paragraph (c)(4)(i)(A) of this section so long as when crossing the bar the master or operator ensures that all persons on their vessel wear lifejackets in accordance with their bar crossing plan. If the vessel's bar crossing plan does not specify the conditions when the persons on their vessel must wear lifejackets, however, then the master or operator must comply with the safety requirements provided in paragraph (c)(4)(i) of this section in their entirety.

(iii) The master or operator of any small passenger vessel operating in a regulated navigation area established in paragraph (a) of this section during the conditions described in paragraph (c)(4)(i)(A) of this section shall contact the Coast Guard on VHF–FM Channel 16 prior to crossing the bar between sunset and sunrise. The master or operator shall report the following:

(A) Vessel name,

(B) Vessel location or position,

(C) Number of persons onboard the vessel, and

(D) Vessel destination.

(5) *Safety Requirements for Commercial Fishing Vessels* (*CFV*). (i) The master or operator of any commercial fishing vessel operating in a regulated navigation area established in paragraph (a) of this section shall ensure that all persons located in any unenclosed areas of their vessel are wearing lifejackets or immersion suits and that lifejackets or immersion suits are immediately available for/to all persons located in any enclosed spaces of their vessel:

(A) When crossing the bar and a bar restriction exists for recreational vessels or uninspected passenger vessels of the same length or

(B) Whenever their vessel is being towed or escorted across the bar by the Coast Guard.

(ii) The master or operator of any commercial fishing vessel operating in a regulated navigation area established in paragraph (a) of this section during the conditions described in paragraph (c)(5)(i)(A) of this section shall contact the Coast Guard on VHF–FM Channel 16 prior to crossing the bar between sunset and sunrise. The master or operator shall report the following:

(A) Vessel name,

(B) Vessel location or position,

(C) Number of persons onboard the vessel, and

(D) Vessel destination.

(6) All persons and vessels within the regulated navigation areas established in paragraph (a) of this section must comply with the orders of Coast Guard personnel. Coast Guard personnel include commissioned, warrant, and petty officers of the United States Coast Guard.

PART 177—CORRECTION OF ESPECIALLY HAZARDOUS CONDITIONS

3. The authority citation for part 177 continues to read as follows:

Authority: 46 U.S.C. 4302, 4311; Pub. L. 103–206, 107 Stat. 2439; 49 CFR 1.45 and 1.46.

4. In § 177.07, remove paragraph (f) and redesignate paragraph (g) as paragraph (f).

5. Remove § 177.08 and redesignate § 177.09 as § 177.08.

Dated: January 15, 2009.

J.P. Currier,

Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.

[FR Doc. E9–2592 Filed 2–11–09; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50 and 51

[EPA–HQ–OAR–2007–0956; FRL–8772–8]

RIN–2060–AO63

Proposed Rule To Implement the 1997 8-Hour Ozone National Ambient Air Quality Standard: Revision on Subpart 1 Area Reclassification and Anti-Backsliding Provisions Under Former 1-Hour Ozone Standard; Proposed Deletion of Obsolete 1-Hour Ozone Standard Provision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing and extension of comment period.

SUMMARY: The EPA is announcing a public hearing to be held for the proposed rule ''Proposed Rule to Implement the 1997 8-Hour Ozone National Ambient Air Quality Standard: Revision on Subpart 1 Area Reclassification and Anti-Backsliding Provisions Under Former 1-Hour Ozone Standard; Proposed Deletion of Obsolete 1-Hour Ozone Standard Provision'' which published in the **Federal Register** on January 16, 2009. The hearing will be held in Washington, DC, on Monday, March 2, 2009.

EPA is also announcing an extension of the public comment period on our proposed rule. EPA is extending the comment period that originally ends on February 17, 2009. The extended comment period will close on April 1, 2009.

In this notice of proposed rulemaking, EPA proposed to revise the rule for implementing the 1997 8-hour ozone national ambient air quality standard (NAAQS) for several of the limited portions of the rule vacated by the U.S. Circuit Court of Appeals for the District of Columbia. The proposal addresses the classification system for the subset of initial 8-hour ozone nonattainment areas that the implementation rule originally covered under Clean Air Act (CAA) title I, part D, subpart 1. The proposal also addresses how 1-hour ozone contingency measures that apply for failure to attain or make reasonable progress toward attainment of the 1-hour standard should apply under the anti-backsliding provisions of the implementation rule. In addition, the proposal removes language relating to the vacated provisions of the rule that provided exemptions from the requirements of nonattainment new source review (NSR) and CAA section 185 penalty fees under the 1-hour standard. The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning these proposed changes.

DATES: *Public Hearing.* The public hearing will be held on March 2, 2009.

Comments. Comments must be received on or before April 1, 2009.

ADDRESSES: *Public Hearing.* The hearing will be held at U.S. Environmental Protection Agency, EPA East, Room 1153, 1200 Pennsylvania Avenue, Washington, DC 20004. The public hearing will start at 10 a.m. and end at 3 p.m. Because this hearing is being held at U.S. government facilities, everyone planning to attend the hearing should be prepared to show valid picture identification to the security staff in order to gain access to the meeting room. In addition, you will need to obtain a property pass for any personal belongings you bring with you. Upon leaving the building, you will be required to return this property pass to the security desk. No large signs will be allowed in the building, cameras may only be used inside the classroom and outside of the building and demonstrations will not be allowed on Federal property for security reasons.

Comments. Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2007–0956, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: a-and-r-docket@epa.gov.*
- *Fax:* (202) 566–9744
- *Mail:* Air and Radiation Docket and Information Center, Attention Docket ID No. EPA–HQ–OAR–2007–0956, Environmental Protection Agency, 1301 Constitution Ave., NW., Washington, DC 20460. Mail Code: 2822T. Please include two copies if possible.
- *Hand Delivery:* Air and Radiation Docket and Information Center, Attention Docket ID No. EPA–HQ–OAR–2007–0956, Environmental Protection Agency in the EPA Headquarters Library, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation will be 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday, Air and Radiation Docket and Information Center.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2007–0956. The EPA's policy is that all comments received will be included in the public 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 *http://www.regulations.gov,* or e-mail. The *http://www.regulations.gov* Web Site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment.

If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, *i.e.*, 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 electronically in *http://www.regulations.gov* or in hard copy at the EPA Docket Center (Air Docket), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744.

The EPA Web site for the rulemaking, which includes the proposal and information about the public hearing, can be found at: *http://www.epa.gov/ttn/naaqs/ozone/o3imp8hr/.*

FOR FURTHER INFORMATION CONTACT: If you would like to speak at the public hearing, please contact Ms. Pamela Long, U.S. Environmental Protection Agency, OAQPS, Air Quality Planning Division, (C504–03), Research Triangle Park, NC 27711, telephone (919) 541–0641, fax number (919) 541–5509, e-mail address *long.pam@epa.gov* no later than February 27, 2009. If you have any questions on the public hearing, please contact Ms. Long at the above number.

Questions concerning the January 16, 2009, proposed rule should be addressed to Mr. John Silvasi, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Policy Division, (C539–01), Research Triangle Park, NC 27711, telephone number (919) 541–5666, e-mail at *silvasi.john@epa.gov.*

SUPPLEMENTARY INFORMATION: The January 16, 2009, notice of proposed rulemaking proposes to revise the rule

for implementing the 1997 8-hour ozone NAAQS for several of the limited portions of the rule vacated by the U.S. Circuit Court of Appeals for the District of Columbia. The proposal addresses the classification system for the subset of initial 8-hour ozone nonattainment areas that the implementation rule originally covered under CAA title I, part D, subpart 1. The proposal also addresses how 1-hour ozone contingency measures that apply for failure to attain or make reasonable progress toward attainment of the 1-hour standard should apply under the anti-backsliding provisions of the implementation rule. In addition, the proposal removes language relating to the vacated provisions of the rule that provided exemptions from the requirements of nonattainment NSR and CAA section 185 penalty fees under the 1-hour standard.

Public Hearing: The proposal for which EPA is holding the public hearing was published in the **Federal Register** on January 16, 2009, (74 FR 2936) and is available at: *http://www.epa.gov/ttn/naaqs/ozone/o3imp8hr/* and also in the docket identified below. The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning the proposal. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing. Written comments on the proposed rule must be postmarked by April 1, 2009, which is the extended closing date for the comment period.

Commenters should notify Ms. Long if they will need specific equipment, or if there are other special needs related to providing comments at the hearing. The EPA will provide equipment for commenters to show overhead slides or make computerized slide presentations if we receive special requests in advance. Oral testimony will be limited to 5 minutes for each commenter. The EPA encourages commenters to provide EPA with a copy of their oral testimony electronically (via e-mail or CD) or in hard copy form.

The hearing schedule, including lists of speakers, will be posted on EPA's Web site *http://www.epa.gov/ttn/naaqs/o3imp8hr/*. Verbatim transcripts of the hearing and written statements will be included in the docket for the rulemaking.

How Can I Get Copies of This Document and Other Related Information?

The EPA has established a docket for the proposed rule ''Proposed Rule to Implement the 1997 8-Hour Ozone National Ambient Air Quality Standard: Revision on Subpart 1 Area Reclassification and Anti-Backsliding Provisions Under Former 1-Hour Ozone Standard; Proposed Deletion of Obsolete 1-Hour Ozone Standard Provision'' under Docket ID No. EPA–HQ–OAR–2007–0956 (available at *http://www.regulations.gov*).

As stated previously, the proposed rule was published in the **Federal Register** on January 16, 2009 (74 FR 2936) and is available at *http://www.epa.gov/ttn/naaqs/ozone/o3imp8hr/* and in the above-cited docket.

Dated: February 5, 2009.

Mary E. Henigin,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. E9–3051 Filed 2–11–09; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 414

[CMS–1561–NC]

RIN 0938–AP59

Medicare Program; Changes to the Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) by Certain Provisions of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA)

Correction

In proposed rule document E9–2839 beginning on page 6557 in the issue of Tuesday, February 10, 2009, make the following correction:

On page 6557, in the third column, in the **DATES** heading, ''February 13, 2009'' should read ''February 12, 2009''.

[FR Doc. Z9–2839 Filed 2–10–09; 4:15 pm]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 090123054–9058–01]

RIN 0648–XM12

Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2009 Georges Bank Cod Fixed Gear Sector Operations Plan and Agreement, and Allocation of Georges Bank Cod Total Allowable Catch

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

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule provides interested parties an opportunity to comment on the proposed sector operations plan and supplemental environmental assessment (EA) prior to final approval or disapproval of the sector operations plan and allocation of a Georges Bank (GB) cod total allowable catch (TAC) to the GB Cod Fixed Gear Sector (Fixed Gear Sector) for fishing year (FY) 2009.

Framework Adjustment (FW) 42 to the Northeast (NE) Multispecies Fishery Management Plan (FMP) implemented the Fixed Gear Sector and authorized allocation of up to 20 percent of the annual GB cod TAC to the Fixed Gear Sector. Pursuant to that authorization, a representative of the Fixed Gear Sector has submitted an operations plan and sector agreement (contract), and requested an allocation of GB cod to the Fixed Gear Sector for FY 2009.

DATES: Written comments must be received on or before February 27, 2009.

ADDRESSES: You may submit comments, identified by 0648–XM12, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal: *http://www.regulations.gov*,
- Fax: (978) 281–9135, Attn: Mark Grant,
- Mail: 55 Great Republic Drive, Gloucester, MA 01930.

Instructions: All comments received are part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not

submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Copies of the Sector Agreement and the EA are available from the NE Regional Office at the mailing address specified above.

FOR FURTHER INFORMATION CONTACT: Mark Grant, Sector Policy Analyst, phone (978) 281–9145, fax (978) 281–9135, e-mail *Mark.Grant@NOAA.gov*.

SUPPLEMENTARY INFORMATION: NMFS announces that the Administrator, NE Region, NMFS (Regional Administrator), has made a preliminary determination that the 2009 Fixed Gear Sector Operations Plan and Agreement, which contains the sector contract and operations plan, is consistent with the goals of the FMP, and other applicable law and is in compliance with the regulations governing the development and operation of a sector, as specified under 50 CFR 648.87, as they existed prior to the court order described in this proposed rule. The final rule implementing Amendment 13 (69 FR 22906, April 27, 2004) specified a process for the formation of sectors within the NE multispecies fishery and the allocation of TAC for specific groundfish species (or days-at-sea (DAS)), implemented restrictions that apply to all sectors, established the GB Cod Hook Sector Area (Sector Area), and specified a formula for the allocation of GB cod TAC to the sectors.

FW 42 (October 23, 2006; 71 FR 62156) to the NE Multispecies FMP implemented the Fixed Gear Sector. On January 26, 2009, the U.S. District Court of Massachusetts (Court) issued an order in *Commonwealth of Massachusetts by its Division of Marine Fisheries and State of New Hampshire by its Department of Fish and Game, Division of Marine Fisheries* v. *Carlos M. Gutierrez, et al.*, temporarily suspending FW 42. On February 2, 2009, NMFS filed a motion to alter or amend the Court's order. NMFS may not be able to finally approve the Fixed Gear Sector's proposed sector operations plan for FY 2009 while FW 42 is suspended. Accordingly, NMFS publishes this proposed rule with the condition that a final rule approving or disapproving the proposed sector operations may be contingent upon the removal of the suspension of FW 42. NMFS is taking this action at this time so that a final approval or disapproval of the proposed sector operations could me made in advance of the start of FY 2009 on May 1 should the suspension of FW 42 be lifted. This action must be taken at this time to allow sufficient time for publication of this proposed rule, a public comment period, and publication of a final rule no less than 30 days prior to the rule taking effect, consistent with the requirements of the Administrative Procedure Act, as specified at 5 U.S.C. 553.

The principal regulations applying to the Fixed Gear Sector specify that: (1) All vessels with a valid limited access NE multispecies DAS permit are eligible to participate in the Fixed Gear Sector; (2) membership in the Fixed Gear Sector is voluntary, but each member is required to remain in the Fixed Gear Sector for the entire fishing year and cannot fish in the NE multispecies DAS program outside the sector during the fishing year, unless certain conditions are met; (3) vessels fishing in the Fixed Gear Sector are confined to fishing in the Sector Area, which is that portion of the GB cod stock area north of 39° 00′ N. lat. and east of 71° 40′ W. long; and (4) participating vessels are required to comply with all pertinent Federal fishing regulations, unless specifically exempted by a Letter of Authorization issued by the Regional Administrator, and the provisions of an approved operations plan.

While FW 42 implemented the Fixed Gear Sector, in order for GB cod to be allocated to the Fixed Gear Sector and for the Fixed Gear Sector to be authorized to fish, the Fixed Gear Sector must submit an operations plan and sector contract to the Regional Administrator annually for approval. The operations plan and sector contract must contain certain elements, including a contract signed by all Fixed Gear Sector participants and a plan containing the management rules that the Fixed Gear Sector participants agree to abide by in order to avoid exceeding the allocated TAC. An additional analysis of the impacts of the Fixed Gear Sector's proposed operations may also be required in order to comply with the National Environmental Policy Act. Further, the public must be provided an opportunity to comment on the proposed operations plan and sector contract. The regulations require that, upon completion of the public comment period, the Regional Administrator will make a determination regarding approval of the operations plan and sector contract. If approved by the Regional Administrator, participating vessels would be authorized to fish under the terms of the operations plan and sector contract.

The Fixed Gear Sector was authorized to fish in FY 2006, FY 2007, and FY 2008, and, based upon the GB cod landings history of its members, was allocated <1.0, 10.7, and 13.99 percent, respectively, of the annual GB cod TAC.

On September 30, 2008, the Fixed Gear Sector submitted its FY 2009 operations plan and sector agreement to NMFS. A draft environmental assessment (EA) was submitted on November 14, 2008. The proposed 2009 Fixed Gear Sector Operations Plan and Agreement contains the same elements and proposed exemptions as the 2008 Fixed Gear Sector Operations Plan and Agreement. The Fixed Gear Sector would be overseen by a Board of Directors and a Sector Manager. The Fixed Gear Sector Agreement specifies, in accordance with Amendment 13, that the Fixed Gear Sector's GB cod TAC would be based upon the number of Fixed Gear Sector members and their historic landings of GB cod. The GB cod TAC is a ''hard'' TAC, meaning that, once the TAC is reached, Fixed Gear Sector vessels could not fish under a DAS, possess or land GB cod or other regulated species managed under the FMP (regulated species), or use gear capable of catching groundfish (unless fishing under charter/party or recreational regulations). Should the hard TAC be exceeded, the Fixed Gear Sector's allocation would be reduced by the amount of the overharvest in the following year.

The 2009 operations plan proposes exemptions from the following restrictions of the FMP: The GB cod trip limit; the GB Seasonal Closure Area (when fishing with hook gear); the 3,600–hook limit for longline gear in the GB Regulated Mesh Area (RMA); and the 2,000–hook limit for longline gear in the Gulf of Maine (GOM) and Southern New England (SNE) RMAs. Justification for the proposed exemptions and analysis of the potential impacts of the operations plan are contained in the EA. A Regulatory Impact Review/Initial Regulatory Flexibility Analysis (IRFA) is summarized in the Classification section of this proposed rule.

Twenty-three prospective Fixed Gear Sector members signed the 2009 Fixed Gear Sector Contract. The GB cod TAC calculation is based upon the historic GB cod landings of the participating vessels, using all gear. The allocation percentage is calculated by dividing the sum of total landings of GB cod by Fixed Gear Sector members for FY 1996 through 2001 by the sum of the total accumulated landings of GB cod harvested by all NE multispecies vessels

for the same time period. Based upon the 23 prospective members (and their associated GB cod landings history), the Fixed Gear Sector's share of the overall U.S. portion of the GB cod TAC would be 11.64 percent, or 899,869 lb (408 mt) (11.64 percent times the U.S portion of the fishery-wide GB cod target TAC of 7,729,408 lb (3,506 mt)). If prospective members of the Fixed Gear Sector are deemed ineligible to, or decide not to, participate in the Fixed Gear Sector after the publication of this proposed rule and prior to a final decision by the Regional Administrator, it is possible that the total number of participants in the Fixed Gear Sector and the TAC for the Fixed Gear Sector may be reduced from the numbers above, but no additional members may join the Fixed Gear Sector for FY 2009.

The sector contract contains procedures for the enforcement of the operations plan, a schedule of penalties, and provides the authority to the Fixed Gear Sector Manager to issue stop fishing orders to members of the Fixed Gear Sector. Participating vessels would be required to call the Sector Manager prior to leaving port on a fishing trip. All legal-sized cod caught would be retained, landed and counted against the Fixed Gear Sector's GB cod TAC. For each fishing trip, participating vessels would be required to fish under the NE multispecies DAS program regulations to account for any incidental groundfish species that they may catch while fishing for GB cod. Participating vessels would be required to land fish only in designated landing ports and would be required to provide the Fixed Gear Sector Manager with a copy of the vessel trip report (VTR) within 48 hr of offloading. Dealers purchasing fish from participating vessels would be required to provide the Fixed Gear Sector Manager with a copy of the dealer report on a weekly basis. On a monthly basis, the Fixed Gear Sector Manager would transmit to NMFS aggregate catch data from dealer slips and aggregate discard data from the VTRs. After 90 percent of the Fixed Gear Sector's allocation has been harvested, the Fixed Gear Sector Manager would be required to provide NMFS with aggregate reports on a weekly basis. A total of 1/12 of the Fixed Gear Sector's GB cod TAC would be allocated to each month of the fishing year. GB cod quota that is not landed during a given month would be rolled over into the following month. If landings exceed the monthly quota, the excess would be deducted from subsequent monthly quotas to ensure the Fixed Gear Sector does not exceed its GB cod TAC. The harvest rules would not preclude a vessel from fishing under the charter/party or recreational regulations, provided the vessel fishes under the applicable charter/party and recreational rules on separate trips.

Participating vessels would not be allowed to fish with or have on board gear other than jigs, non-automated demersal longline, handgear, or sink gillnets. Participating Fixed Gear Sector vessels could use an unlimited number of hooks in the Sector Area and would be exempt from the GB Seasonal Closure Area when using hook gear. All of these exemptions were approved for FY 2006 and FY 2007.

The EA prepared for the Fixed Gear Sector's operations concludes that the biological impacts of the Fixed Gear Sector will be positive because the hard TAC and the use of DAS would provide two means of restricting both the landings and effort of the Fixed Gear Sector. Implementation may have a positive impact on essential fish habitat and bycatch if the Fixed Gear Sector's quota is caught prior to the end of the fishing year by reducing the amount of time that gear would be in the water. The analysis of economic impacts of the Fixed Gear Sector concludes that the members would realize higher economic returns if the Fixed Gear Sector is implemented. The EA asserts that fishing in accordance with the sector contract rules enables more efficient harvesting of GB cod than would be possible if the participating vessels were fishing in accordance with the common pool (non-sector) rules. The social benefits of the Fixed Gear Sector would accrue to sector members, as well as the Chatham, MA, and Harwichport, MA, communities, which are more dependent upon groundfish revenues as a percentage of fishery-derived landings than many other communities. The EA concludes that the self-governing nature of the Fixed Gear Sector and the member's opportunity to develop rules governing the way in which they harvest their GB cod TAC enables stewardship of the cod resource by the Fixed Gear Sector. The cumulative impacts of the Fixed Gear Sector are expected to be positive due to a positive biological impact, potential positive impact on habitat, and a positive social and economic impact. In contrast, the cumulative impact of the no action alternative is estimated to be neutral, with negative social and economic impacts.

Should the Regional Administrator approve the sector contract as proposed, a Letter of Authorization would be issued to each member of the Fixed Gear Sector exempting them, conditional upon their compliance with the sector contract, from the GB cod possession restrictions, the 3,600–hook limit in the GB RMA, the 2,000–hook limit in the GOM and SNE RMAs, and the GB Seasonal Closure Area (when using hook gear), as specified in §§ 658.86(b)(2), 648.80(a)(4)(v), 648.80(a)(3)(v), 648.80(b)(2)(v), and 648.81(g), respectively.

Classification

Pursuant to section 304 (b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Northeast Multispecies FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This action is exempt from review under Executive Order (E.O.) 12866.

An IRFA was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. The IRFA consists of this section, the preamble and the EA prepared for this action. A description of the action, why it is being considered, and the legal basis for this action are contained in the preamble to this proposed rule and in sections 1.0, 2.0, and 3.0 of the EA prepared for this action. A summary of the analysis follows. A copy of this analysis is available from NMFS (see **ADDRESSES**).

The Small Business Administration size standard for small commercial fishing entities is $4 million in average annual receipts, and the size standard for small charter/party operators is $6.5 million in average annual receipts. All permitted and participating vessels in the groundfish fishery, including prospective Fixed Gear Sector members, are considered to be small entities because gross sales by any one entity (vessel) do not exceed this threshold, and, therefore there is no disproportionate impact between large and small entities. While an entity may own multiple vessels, available data make it difficult to determine which vessels may be controlled by a single entity. For this reason, each vessel is treated as a single entity for purposes of size determination and impact assessment. All permitted and participating vessels in the groundfish fishery, including prospective Fixed Gear Sector members, are considered to be small entities because gross sales by any one entity (vessel) do not exceed this threshold. The number of prospective participants in the Fixed Gear Sector is 23, substantially less than

the total number of active vessels in the groundfish fishery. Only these 23 vessels would be subject to the regulatory exemptions and operational restrictions proposed for the Fixed Gear Sector for FY 2009.

Economic Impacts of the Proposed Action

The proposed alternative would allocate a GB cod TAC of 408 mt to the Fixed Gear Sector. Once the GB cod TAC is harvested, participating vessels would not be allowed to fish under a NE multispecies DAS, possess or land GB cod, or other regulated species managed under the NE multispecies FMP, or use gear capable of catching groundfish (unless fishing under recreational or charter/party regulations). Vessels intending to fish in the Fixed Gear Sector during FY 2009 may only fish with hook gear or sink gillnets. Under the proposed operations plan, members would be exempt from several restrictions of the FMP described in the preamble to this proposed rule and in the EA.

The Fixed Gear Sector fishermen and the Chatham, MA, and Harwichport, MA, communities are dependent upon GB cod and other groundfish. The Amendment 13 restrictions that reduced the GB cod trip limit had a disproportionate affect on these fishermen. According to Amendment 13, Chatham's overall community dependence on NE multispecies as a percentage of total fisheries revenues from federally permitted vessels averaged about 71–percent and it was likely that at least some of the active groundfish vessels in Chatham and Harwichport were even more than 71 percent dependent on the NE multispecies fishery.

Cod, skate wings, and monkfish comprised the largest proportion of Fixed Gear Sector landings (40.70 percent, 23.62 percent, and 9.78 percent respectively, in FY 2007). During FY 2007, members of the Fixed Gear Sector made 632 trips, landed 721,315 lb (327,183 kg) of cod, 418,679 lb (189,910 kg) of skate wings, 173,270 lb (78,594 kg) of whole monkfish, and 20,209 lb (9,167 kg) of monkfish tails, and generated approximately $ 1,348,859; $ 230,273; $ 344,807; and $ 62,648 in revenue from those species, respectively (assuming dockside prices of $ 1.87, $ 0.55, $ 1.99, and $ 3.10 per lb [$ 4.11, $ 1.21, $ 4.38 and $ 6.82 per kg], respectively). Fixed Gear Sector members also landed various other species, which increased their revenue. In general, the operation of the Fixed Gear Sector would continue to mitigate the negative economic impacts that result from the current suite of regulations that apply to the groundfish fishery (most recently FW 42). The Fixed Gear Sector, by fishing under rules that are designed to meet their needs (as well as the conservation requirements of the FMP), is afforded a larger degree of flexibility and efficiency, which result in economic gains. For example, Fixed Gear Sector members are able to plan their fishing activity and income in advance with more certainty due to the fact that there is a cod TAC, which is apportioned to each month of the year. They are able to maximize their efficiency (revenue per trip) due to the exemption from trip limits and limits on the number of hooks fished. Two hundred seventy-three of the Fixed Gear Sector's 632 trips (43 percent) in FY 2007 landed more than the daily GB cod trip limit (1,000 lb/day; 454 kg/day) in place for the common pool vessels (non-sector vessels). This resulted in an additional 349,705 lb (158,624 kg) (46 percent of the Fixed Gear Sector's FY 2007 cod landings) being landed, rather than discarded. For some vessel owners in the Fixed Gear Sector, participation in the Fixed Gear Sector enables their businesses to remain economically viable.

No other alternatives in addition to the No Action and the proposed action were considered. The RFA requires each IRFA to include a description of significant alternatives that accomplish the objectives of applicable statues (in this case, sector provisions) and minimize any significant economic impact to small entities. The objective of sector management, as originally developed and implemented under Amendment 13 to the FMP, is to provide opportunities for like-minded vessel operators to govern themselves so that they can operate in a more effective and efficient manner. The Fixed Gear Sector developed the proposed operations plan after consultation with prospective members. Prospective members then signed a binding sector contract to abide by the measures specified in the proposed operations plan. As described above, the proposed operations plan minimizes economic impacts to participating vessels by allowing them to operate more efficiently. Accordingly, the proposed operations plan reflects the management measures preferred by vessels participating in the Fixed Gear Sector during FY 2009 and represents all of the significant alternatives that accomplish the objectives of sector provisions and minimize economic impacts to small entities, as required by the RFA. Therefore, in conjunction with the NEPA requirement to consider a reasonable range of alternatives, no other alternatives were considered as part of this proposed action.

Economic Impacts of Alternative to the Proposed Action

Under the No Action alternative, the 2009 Fixed Gear Sector operations plan is disapproved and no modified operations plan is submitted. While the Fixed Gear Sector would remain implemented under the FMP, under the No Action Alternative, the Fixed Gear Sector would not be authorized to fish, would not be allocated a GB cod TAC, and all vessels would remain in the common pool and fish under the regulations implemented in Amendment 13 and subsequent FW to the FMP.

Because cod usually represents a high proportion of total fishing income for Cape Cod-based fixed gear vessels, revenues for such vessel owners are very sensitive to regulations that impact how and when they can fish for cod, such as trip limits and restrictions on the number of hooks fished. Under the common pool rules implemented by FW 42 (e.g., differential DAS counting) and Amendment 13 (restrictive daily trip limits for cod), it is likely that Fixed Gear Sector vessels would experience revenue losses in comparison to the proposed action. It is more likely under the No Action alternative that disruption to the Chatham/Harwichport communities would occur.

Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule

This proposed rule contains no collection-of-information requirement subject to the Paperwork Reduction Act.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on proposed sector operations plans and TAC allocations.

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

Dated: February 6, 2009.

Samuel D. Rauch,

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

[FR Doc. E9–3060 Filed 2–11–09; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 74, No. 28

Thursday, February 12, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collections being Reviewed by the U.S. Agency for International Development; Comments Requested

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act for 1995. Comments are requested concerning: (a) Whether the proposed or continuing collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Submit comments on or before April 13, 2009.

ADDRESSES: Send comments via e-mail at *kmonsess@usaid.gov* or mail comments to: Kenneth Monsess, Procurement Analyst, Office of Acquisition and Assistance, United States Agency for International Development. Ronald Reagan Building, 1300 Pennsylvania Avenue, NW., Washington, DC 20523 (202–712–4913).

FOR FURTHER INFORMATION CONTACT: Beverly Johnson, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development. Room 2.07–106, RRB, Washington, DC, 20523, (202) 712–1365 or via e-mail *bjohnson@usaid.gov.*

SUPPLEMENTARY INFORMATION:

OMB No.: OMB 0412–0514.

Form No.: N/A.

Title: USAID Regulation 1—Rules and Procedures Applicable to Commodity Transactions Financed by USAID (22 CFR Part 201).

Type of Review: Renewal of information collection.

Purpose: The U.S. Agency for International Development (USAID) finances transactions under Commodity Import Programs and needs to assure that the transaction complies with applicable statutory and regulatory requirements. In order to assure compliance and request refund when appropriate, information is required from host country importers, suppliers receiving USAID funds, and banks making payments for USAID.

Annual Reporting Burden:

Respondents: 20.

Total annual responses: 40.

Total annual hours requested: 20.

Dated: February 2, 2009.

Joanne Paskar,

Chief, Information and Records Division, Office of Administrative Services, Bureau for Management.

[FR Doc. E9–2842 Filed 2–11–09; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

Fresno County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Fresno County Resource Advisory Committee will be meeting in Prather, California on February 24th and Clovis, California on March 11th. The purpose of these meetings will be to discuss the amended and reauthorized Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 110–343) for expenditure of Payments to States Fresno County Title II funds and to begin accepting project applications.

DATES: The meetings will he held on February 24, 2009 from 6:30 p.m. to 8:30 p.m. in Prather, CA and March 11, 2009 from 6 p.m. to 9 p.m. in Clovis, CA.

ADDRESSES: The meeting on February 24th will be held at the High Sierra Ranger District, 29688 Auberry Rd., Prather, CA and the meeting on March 11th will be held at the Sierra National Forest Supervisor's Office, 1600 Tollhouse Rd., Clovis, CA. Send written comments to Robbin Ekman. Fresno County Resource Advisory Committee Coordinator, c/o Sierra National Forest, High Sierra Ranger District, 29688 Auberry Road, Prather, CA 93651 or electronically to *rekman@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Robbin Ekman, Fresno County Resource Advisory Committee Coordinator, (559) 855–5355 ext. 3341.

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 Payments to States Fresno County Title II project matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Agenda items to be covered include: (1) Changes to Act, (2) Project submission and voting timelines, and (3) Review project proposals.

Dated: February 5, 2009.

Ray Porter,

District Ranger.

[FR Doc. E9–2884 Filed 2–11–09; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Idaho Panhandle Resource Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 110–343) the Idaho Panhandle National Forest's Idaho 3 Panhandle Resource Advisory Committee will meet Friday, February 13, 2009 at 9:30 a.m. in Coeur d'Alene, Idaho for a business meeting. The business meeting is open to the public.

DATES: February 13, 2009.

ADDRESSES: The meeting location is the Idaho Panhandle National Forests' Supervisor's Office, located at 3815

Schreiber Way, Coeur d'Alene, Idaho 83815.

FOR FURTHER INFORMATION CONTACT: Ranotta K. McNair, Forest Supervisor and Designated Federal Official, at (208) 765–7369.

SUPPLEMENTARY INFORMATION: The meeting agenda will focus on reviewing accomplishments for the past years and reviewing projects for funding during the business meeting. The public forum begins at 1 p.m.

Dated: February 5, 2009.

Ranotta K. McNair,

Forest Supervisor.

[FR Doc. E9–2937 Filed 2–11–09; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XN26

Caribbean Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings of the Annual Catch Limit Plan Development Group (ACLG) and Scientific and Statistical Committee (SSC).

SUMMARY: The Caribbean Fishery Management Council will hold meetings of its ACLG and SSC.

DATES: The ACLG will meet on February 23–25, 2009, and the SSC will meet on February 26–27, 2009. Both meetings will be held at the Embassy Suites Hotel, located at 8080 Tartak St., Isla Verde, Carolina, Puerto Rico 00979.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The ACLG will meet to discuss the items contained in the following agenda:

February 23, 2009

9:30 a.m. - 12 noon

•Call to Order
•Welcome (Mr. E. Pineiro-Soler, CFMC Chair)
•Introduction and Overview (Mr. Miguel A. Rolon, CFMC Executive Director)
•Final Guidelines Update (Dr. Andy Strelcheck)
•Overview of ACLG (Annual Catch Limit Plan Development Group) Terms of Reference (TOR)
•Report from the SEDAR Caribbean Data Evaluation Workshop (Dr. Todd Gedamke)
Data Availability on Fisheries Overfished and Undergoing Overfishing and Other Fisheries
Data Availability for (1) USVI (St. Thomas) (W. Tobias); (2) USVI (St. Croix) (W. Tobias); and (3) Puerto Rico (Daniel Matos)
SEDAR Summary Table on benchmarks and/or Overfishing Limit Advice
•National SSC Meeting Report (Dr. J. Berkson)
•Presentation on USVI Approach to ACLs (Dr. D. Olsen)

12 noon - 1:30 p.m. Lunch on your own

1:30 p.m. - 5 p.m.

•Review Ault and Appeldoorn Papers (Presentation)
•Other Business
Recreational Fishing (G. Garcia-Moliner)
Monitoring of Regulations in Place (G. Garcia-Moliner)

February 24, 2009

9 a.m. - 12 noon; 1:30 p.m. - 5 p.m.

12 noon - 1:30 p.m. Lunch on your own

•Questions to Answer:
•USVI Group - (Leader: Todd Gedamke)
St. Thomas/St. John
St. Croix
•PR Group - (Leader: Noemi Pena)

February 25, 2009

9 a.m. - 5 p.m.

12 noon - 1:30 p.m. Lunch on your own

•Report from USVI (Dr. Todd Gedamke)
•Report from Puerto Rico (Ms. Noemi Pena)
•Determination of ACLs and AMs
By Fishery (SFA Units: Groupers Unit 4, Parrotfishes, Queen Conch, etc.)
By Species
By Area
By Gear
•Recommendations to the SSC (TORs)
•Other Business
•Next Meeting

The SSC will meet to discuss the items contained in the following agenda:

February 26–27, 2009

9:30 a.m. - 5 p.m.

•Call to Order
•Annual Catch Limits(ACL)/ Accountability Measures(AM)Final Guidelines - Andy Strelcheck
•ACLG Report
•National SSC Report
•Recommendations to the CFMC
•SEDAR Report
•Other Business
•Next Meeting

Special Accommodations

The meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and/other auxiliary aids, please contact Mr. Miguel A. Rolon, Executive Director, Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918; telephone: (787) 766–5926, at least 5 days prior to the meeting date.

Dated: February 9, 2009.

Tracey L. Thompson,

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

[FR Doc. E9–3011 Filed 2–11–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XN20

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Space Vehicle and Test Flight Activities from Vandenberg Air Force Base, CA

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of issuance of a Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that a letter of authorization (LOA) has been issued to the 30th Space Wing, U.S. Air Force, to take four species of seals and sea lions incidental to rocket and missile launches on Vandenberg Air Force Base (VAFB), California, a military readiness activity.DATES: Effective February 7, 2009, through February 6, 2010.

ADDRESSES: The LOA and supporting documentation are available for review by writing to P. Michael Payne, Chief, Permits, Conservation, and Education Division, Office of Protected Resources, National Marine Fisheries Service (NMFS), 1315 East-West Highway, Silver Spring, MD 20910–3225 or by telephoning one of the contacts listed

below (**FOR FURTHER INFORMATION CONTACT**). Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address and at the Southwest Regional Office, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Candace Nachman, Office of Protected Resources, NMFS, (301) 713–2289 ext. 156, or Monica DeAngelis, NMFS, (562) 980–3232.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 et seq.) directs the National Marine Fisheries Service (NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued. Under the MMPA, the term ≥taking≥ means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture, or kill marine mammals.

Authorization may be granted for periods up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements for monitoring and reporting of such taking.

Regulations governing the taking of Pacific harbor seals (*Phoca vitulina richardsi*), northern elephant seals (*Mirounga angustirostris*), California sea lions (*Zalophus californianus*), and northern fur seals (*Callorhinus ursinus*), by harassment, incidental to missile and rocket launches, aircraft flight test operations, and helicopter operations at VAFB, were issued on February 6, 2009 (74 FR 6236), and remain in effect until February 6, 2014. For detailed information on this action, please refer to that document. These regulations include mitigation, monitoring, and reporting requirements for the incidental take of marine mammals during missile and rocket launches at VAFB.

This LOA is effective from February 7, 2009, through February 6, 2010, and authorizes the incidental take of the four marine mammal species listed above that may result from the launching of up to 30 space and missile vehicles and up to 20 rockets annually from VAFB, as well as from aircraft and helicopter operations. Harbor seals haul-out on several sites on VAFB, and harbor seals, California sea lions, elephant seals, and northern fur seals are found on various haul-out sites and rookeries on San Miguel Island. Currently, six space launch vehicle programs use VAFB to launch satellites into polar orbit: Delta II, Taurus, Atlas V, Delta IV, Falcon, and Minotaur. Also a variety of small missiles, several types of interceptor and target vehicles, and fixed-wing aircrafts are launched from VAFB.

The activities under these regulations create two types of noise: continuous (but short-duration) noise, due mostly to combustion effects of aircraft and launch vehicles, and impulsive noise, due to sonic boom effects. Launch operations are the major source of noise on the marine environment from VAFB. The operation of launch vehicle engines produces significant sound levels. The noise generated by VAFB activities will result in the incidental harassment of pinnipeds, both behaviorally and in terms of physiological (auditory) impacts. The noise and visual disturbances from space launch vehicle and missile launches and aircraft and helicopter operations may cause the animals to move towards or enter the water. Take of pinnipeds will be minimized through implementation of the following mitigation measures: (1) all aircraft and helicopter flight paths must maintain a minimum distance of 1,000 ft (305 m) from recognized seal haul-outs and rookeries; (2) missile and rocket launches must, whenever possible, not be conducted during the harbor seal pupping season of March through June; (3) VAFB must avoid, whenever possible, launches which are predicted to produce a sonic boom on the Northern Channel Islands during the primary pinniped pupping seasons of March through June; and (4) monitoring methods will be reviewed by NMFS if post-launch surveys determine that an injurious or lethal take of a marine mammal occurred. VAFB will also use monitoring surveys, audio-recording equipment, and time-lapse video to monitor the animals before, during, and after rocket launches, and to measure sound levels generated by the launches. Reports will be submitted to NMFS after each LOA expires, and a final comprehensive report, which will summarize all previous reports and assess cumulative impacts, will be submitted before the rule expires. This LOA will be renewed annually based on review of the annual monitoring report.

Dated: February 6, 2009.

Angela Somma,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E9–3043 Filed 2–11–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Partially Closed Meeting of the U.S. Naval Academy Board of Visitors

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The U.S. Naval Academy Board of Visitors will meet to make such inquiry, as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Naval Academy. The executive session of this meeting will include discussions of the personnel issues at the Naval Academy, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The executive session of this meeting will be closed to the public.

The discussion of such information would be exempt from public disclosure as set forth in section 552b(c)(5), (6), and (7) of title 5, United States Code. For this reason, the executive session of this meeting will be closed to the public.

DATES: The open session of the meeting will be held on Monday, March 2, 2009, from 8 a.m. to 11 a.m. The closed Executive Session will be held from 11 a.m. to 12 p.m.

ADDRESSES: The meeting will be held in Bo Coppedge Room, Alumni Hall, U.S. Naval Academy, Annapolis, MD. The meeting will be handicap accessible.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander David S. Forman, USN, Executive Secretary to the Board of Visitors, Office of the Superintendent, U.S. Naval Academy, Annapolis, MD 21402–5000, telephone: 410–293–1503.

SUPPLEMENTARY INFORMATION: This notice of meeting is provided per the Federal Advisory Committee Act, as amended (5 U.S.C. App.). The executive session of the meeting will consist of

discussions of personnel issues at the Naval Academy. The proposed closed session from 11 a.m. to 12 p.m. will include a discussion of new and pending administrative/minor disciplinary infractions and nonjudicial punishments involving the Midshipmen attending the Naval Academy to include but not limited to individual honor/conduct violations within the Brigade. Discussion of such information cannot be adequately segregated from other topics, which precludes opening the executive session of this meeting to the public.

Accordingly, the Secretary of the Navy has determined in writing that the meeting shall be partially closed to the public because it will be concerned with matters listed in sections 552b(c)(5), and (7) of title 5, United States Code.

Dated: February 5, 2009.

A.M. Vallandingham,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E9–3001 Filed 2–11–09; 8:45 am]

BILLING CODE 3810–FF–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 March 16, 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 Director, 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: February 9, 2009.

Angela C. Arrington,

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

Office of the Secretary

Type of Review: Extension.

Title: Survey on Ensuring Equal Opportunity for Applicants.

Frequency: Annually.

Affected Public: Businesses or other for-profit; Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 18,800.

Burden Hours: 1,504.

Abstract: To ensure equal opportunity for all applicants including community-based, faith-based and religious groups. It is essential to collect information that allows Federal agencies to determine the level of participation of such organizations in Federal grant programs while ensuring that such information is not used in grant-making decisions.

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 3857. 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. E9–3061 Filed 2–11–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 13, 2009.

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 Director, 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.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including

through the use of information technology.

Dated: February 9, 2009.

Angela C. Arrington,

Director, Information Collections Clearance Division, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: Extension.

Title: An Impact Evaluation of a School-Based Violence Prevention Program.

Frequency: Semi-Annually and Annually.

Affected Public: Individuals or household; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 13,867.

Burden Hours: 15,599.

Abstract: This is a request to extend by six months the expiration date for the data collection instruments for the Impact Evaluation of a School-Based Violence Prevention Program so that data collection can be completed. Both a curriculum-based program and a whole-school program are being implemented together so that the impact of a hybrid model of school-based violence prevention can be tested, as was recommended by experts in the field of school-based violence prevention. The beginning of data collection was delayed due to difficulty in site recruitment. The extension will allow the contractor to complete the third and final year of data collection.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3941. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *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. E9–3062 Filed 2–11–09; 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 March 16, 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: February 9, 2009.

Angela C. Arrington,

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

Federal Student Aid

Type of Review: Extension.

Title: Lender Application Process (LAP).

Frequency: On Occasion.

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

Reporting and Recordkeeping Hour Burden:

Responses: 58.

Burden Hours: 9.

Abstract: The Lender's Application Process is submitted by lenders who are eligible for reimbursement of interest and special allowance, as well as Federal Insured Student Loan (FISL) claims payment, under the Federal Family Education Loan Program. The information will be used by ED to update Lender Indentification Numbers (LID's), lenders names, addresses with 9 digit zip codes and other pertinent information.

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 3917. 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. E9–3063 Filed 2–11–09; 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 March 16, 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 Director, Information Collection Clearance Division, 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: February 6, 2009.

Angela C. Arrington,

Director, Information Collections Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Annual Protection and Advocacy of Individual Rights (PAIR) Program Performance Report.

Frequency: Annually.

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

Reporting and Recordkeeping Hour Burden:

Responses: 57.

Burden Hours: 912.

Abstract: The Annual Protection and Advocacy of Individual Rights (PAIR) Program Performance Report (Form Rehabilitative Services Administration (RSA)–509) will be used to analyze and evaluate the effectiveness of eligible systems within individual states in meeting annual priorities and objectives. These systems provide services to eligible individuals with disabilities to protect their legal and human rights. RSA uses the form to meet specific data collection requirements of Section 509 of the Rehabilitation Act of 1973, as amended (the act), and its implementing Federal regulations at 34 CFR Part 381. PAIR programs must report annually using the form, which is due on or before December 30 each year. Form RSA–509 has enabled RSA to furnish the President and Congress with data on the provision of protection and advocacy services and has helped to establish a sound basis for future funding requests. These data also have been used to indicate trends in the provision of services from year-to-year.

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 3912. 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. E9–3064 Filed 2–11–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL09–33–000]

City of Arma, Kansas, Complainant v. Westar Energy, Inc., Respondent; Notice of Complaint

February 5, 2009.

Take notice that on February 3, 2009, pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e, and Rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206, the City of Arma, Kansas (City of Arma) filed a formal complaint against Westar Energy, Inc. (Westar) requesting that the Commission issue an order delaying the effectiveness of Westar's Notice of Termination of an agreement between itself and City of Arma and an order directing Westar to adopt just and reasonable rates, terms and conditions for the provision of service by Westar to the City of Arma.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on Friday, February 13, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–2962 Filed 2–11–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2244–022]

Energy Northwest; Notice of Availability of Draft Environmental Assessment

February 5, 2009.

In accordance with the National Environmental Policy Act (NEPA) of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47879), the Office of Energy Projects has reviewed the application for a new major license for the Packwood Lake Hydroelectric Project (project), located on Lake Creek in Lewis County, Washington, and has prepared a draft Environmental Assessment (EA). In the draft EA, Commission staff analyze the potential environmental effects of licensing the project and conclude that issuing a license for the project, with appropriate environmental measures, would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the draft EA is on file with the Commission and is available for public inspection. The draft EA may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659.

Any comments should be filed within 30 days from the issuance date of this notice, and should be addressed to the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1–A, Washington, DC 20426. Please affix ''Packwood Lake Hydroelectric Project No. 2244–022'' to all comments. Comments may be filed electronically via Internet in lieu of paper. The Commission strongly encourages electronic filings (See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''eFiling'' link). For further information, contact Kenneth Hogan at (202) 502–8434.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–2964 Filed 2–11–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–553–000]

Vista Energy Marketing, LP; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 5, 2009.

This is a supplemental notice in the above-referenced proceeding of Vista Energy Marketing, LP's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is February 25, 2009.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–2963 Filed 2–11–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

February 5, 2009.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40

CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Prohibited:		
1. CP08–15–000	1–29–09	Clearville Landowner Group.[1]
2. CP08–15–000	1–29–09	Sandra K. McDaniel.[2]
3. CP08–15–000	1–29–09	Paul and Helen Stup.[3]
Exempt:		
1. P–1971–079	1–29–09	Jeffery L. Foss.

[1] E-mail submittal from Michael and Christine Bernard, *et al.*
[2] E-mail submittal.
[3] E-mail submittal.

Kimberly D. Bose,
Secretary.
[FR Doc. E9–2961 Filed 2–11–09; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD09–4–000]

Integrating Renewable Resources Into the Wholesale Electric Grid; Notice of Technical Conference

February 5, 2009.

Take notice that the Federal Energy Regulatory Commission will hold a technical conference on March 2, 2009, from 9 a.m. to 5 p.m. (EST) in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. The conference will be open for the public to attend and advance registration is not required. Members of the Commission will attend and participate in the conference.

The purpose of this conference is to seek information on the challenges posed by integration of large amounts of variable renewable generation into wholesale markets and grids as well as on innovative solutions to these challenges. The Commission previously dealt with the technical differences of wind power from other forms of generation in 2005, when the Commission issued Order No. 661.[1]

The Commission anticipates significant additions of wind generation as well as generation from other variable renewable sources. This growth in variable renewable generation could create new challenges for grid and market operators with regard to costs and reliability. The agenda for this conference will be published at a later time.

Those wishing to participate as a panelist should submit a request form located at *https://www.ferc.gov/whats-new/registration/weg-03-02-09-speaker-form.asp* by the close of business on Friday, February 13, 2009.

A free webcast of this event is available through *http://www.ferc.gov*. Anyone with Internet access who desires to view this event can do so by navigating to the Calendar of Events at *http://www.ferc.gov* and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the Washington, DC area and via phone-bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or contact Danelle Perkowski or David Reininger at (703) 993–3100.

Transcripts of the conference will be available immediately for a fee from Ace Reporting Company (202–347–3700 or 1–800–336–6646). They will be available for free on the Commission's eLibrary system and on the Calendar of Events approximately one week after the conference.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an e-mail to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or (202) 208–1659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For more information about this conference, please contact: Sarah McKinley at *sarah.mckinley@ferc.gov*, (202) 502–8368.

Kimberly D. Bose,
Secretary.
[FR Doc. E9–2965 Filed 2–11–09; 8:45 am]
BILLING CODE 6717–01–P

[1] *Interconnection for Wind Energy*, Order No. 661, FERC Stats. & Regs. ¶ 31,186, *order on reh'g*, Order No. 661–A, FERC Stats. & Regs. ¶ 31,198 (2005).

ENVIRONMENTAL PROTECTION AGENCY

[AMS–FRL–8772–7]

California State Motor Vehicle Pollution Control Standards; Greenhouse Gas Regulations; Reconsideration of Previous Denial of a Waiver of Preemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice for public hearing and comment.

SUMMARY: The Clean Air Act preempts States from adopting emission standards for new motor vehicles and motor vehicle engines but requires EPA to waive this preemption for California unless EPA makes certain findings. Acting at the direction of the California legislature, the California Air Resources Board (CARB) adopted greenhouse gas emission regulations for passenger cars, light-duty trucks and medium-duty passenger vehicles beginning with the 2009 model year. By letter dated December 21, 2005, CARB submitted a request that EPA grant a waiver for these regulations. EPA denied this request on March 6, 2008. EPA believes that there are significant issues regarding the

Agency's denial of the waiver. The denial was a substantial departure from EPA's longstanding interpretation of the Clean Air Act's waiver provisions and the history of granting waivers to California for its new motor vehicle emission program. Many different parties—including California, States that have adopted or are interested in adopting California's standards, members of Congress, scientists, and other stakeholders—have expressed similar concerns about the denial of the waiver. EPA believes there is merit to reconsidering its decision denying California's waiver. Therefore, this **Federal Register** notice initiates such reconsideration, and announces a public hearing concerning California's request and a re-opening of the written comment period.

DATES: A public hearing concerning this reconsideration will be held on March 5, 2009, beginning at 9:30 a.m. Any party planning to present oral testimony should notify EPA by March 2, 2009, expressing its interest. Any party may submit written comments by April 6, 2009.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2006–0173, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: a-and-r-docket@epa.gov.*
- *Fax:* (202) 566–9744.
- *Mail:* U.S. Environmental Protection Agency, EPA West (Air Docket), 1200 Pennsylvania Ave., NW., Room B108, Mail Code 6102T, Washington, DC 20460, Attention Docket ID No. EPA–HQ–OAR–2006–0173. Please include a total of two copies.
- *Hand Delivery:* EPA Docket Center, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2006–0173.

EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy.

Persons with comments containing proprietary information must distinguish such information from other comments to the greatest possible extent and label it as ''Confidential Business Information'' (CBI). If a person making comments wants EPA to base its decision in part on a submission labeled CBI, then a non-confidential version of the document that summarizes the key data or information should be submitted for the public docket. To ensure that proprietary information is not inadvertently placed in the docket, submissions containing such information should be sent directly to the contact person listed below and not to the public docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed and by the procedures set forth in 40 CFR Part 2. If no claim of confidentiality accompanies the submission when EPA receives it, EPA will make it available to the public without further notice to the person making comments.

Parties wishing to present oral testimony at the public hearing should provide notice to the contact person listed below. EPA will hold the public hearing at the EPA Potomac Yard Conference Center, 2777 Crystal Drive, Room S–1204, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: David Dickinson, Compliance and Innovative Strategies Division (6405J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460. Telephone: (202) 343–9256, Fax: (202) 343–2804, e-mail address: *Dickinson.David@EPA.GOV.*

SUPPLEMENTARY INFORMATION: Section 209(a) of the Clean Air Act, as amended (''Act''), 42 U.S.C. 7543(a), generally preempts State standards relating to the control of emissions from new motor vehicles and new motor vehicle engines. As an exception to this general preemption, section 209(b) of the Act requires the Administrator of EPA to waive application of the section 209(a) preemption to California provided certain criteria, as noted below, are met. Other States may adopt California's standards if they meet certain statutory criteria in doing so. 42 U.S.C. 7507.

Section 209(b) of the Act requires the Administrator, after notice and opportunity for public hearing, to grant a waiver to California if the State determines that the state standards ''will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards.'' 42 U.S.C. 7543(b)(1). The Administrator must grant a waiver unless she finds that (1) California's determination regarding the protectiveness of its standards is arbitrary and capricious, (2) California does not need the state standards to meet ''compelling and extraordinary conditions,'' or (3) California's standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. 42 U.S.C. 7543(b)(A)–(C).

The March 6, 2008 waiver denial (73 FR 12156) significantly departed from EPA's longstanding interpretation of the Clean Air Act's waiver provisions and from the Agency's history, after appropriate review, of granting waivers to California for its new motor vehicle emission program. Moreover, since the denial was issued, California, States interested in implementing CA's standards, members of Congress, scientists, and other stakeholders have identified a number of concerns regarding EPA's decision. Most recently, on January 21, 2009, EPA received a letter from CARB outlining several significant issues for the Administrator to review in reconsidering the March 6, 2008 waiver denial. Based on all of the above, EPA believes it is important to fully review and reconsider the decision

denying a waiver for California's standards.

Included in CARB's letter is a request that EPA return to its traditional review of California's standards under section 209(b)(1)(B) by considering whether California continues to need its own motor vehicle emission program, rather than evaluating greenhouse gas standards separately. As part of this review, CARB suggests that EPA should base its decision on whether California continues to need to have its own motor vehicle program to address various factors in California, such as climate, large human and vehicle population, topography and meteorology, and should not apply this test separately to the greenhouse gas emission standards. In addition, CARB requests that EPA reconsider (and reject) the alternative grounds for the denial, namely, EPA's determination that the impacts from climate change in California were not sufficiently different from the nation as a whole. In addition to arguing that this is not an appropriate interpretation of section 209(b)(1), CARB states that EPA improperly weighed the evidence of impacts in California (including evidence that greenhouse gas standard will help reduce smog-related emissions) and that the record supports granting the waiver even under EPA's new interpretation of section 209(b)(1).

Prior to the March 6, 2008 denial, the Agency provided notice and an opportunity to comment on whether (a) California's determination that its motor vehicle emission standards are, in the aggregate, at least as protective of public health and welfare as applicable Federal standards is arbitrary and capricious, (b) California needs such standards to meet compelling and extraordinary conditions, and (c) California's standards and accompanying enforcement procedures are consistent with section 202(a) of the Clean Air Act. We now seek any new or additional information or comments regarding these criteria. We also seek comment on: (1) whether EPA's interpretation and application of section 209(b)(1) in EPA's March 6, 2008 waiver denial was appropriate, and (2) the effect of the March 6, 2008 denial on whether California's GHG standards are consistent with section 202(a) of the Act, including lead time.

Dated: February 6, 2009.

Lisa P. Jackson,

Administrator.

[FR Doc. E9–2913 Filed 2–11–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8772–4; EPA–HQ–OW–2008–0055]

Final National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges Incidental to the Normal Operation of a Vessel for Alaska and Hawaii

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final Vessel General Permit issuance for Alaska and Hawaii.

SUMMARY: EPA previously announced the finalization of the NPDES general permit for discharges incidental to the normal operation of vessels, also referred to as the Vessel General Permit (VGP), in the **Federal Register** on December 29, 2008 (73 FR 79493). EPA did not finalize the VGP for the states of Hawaii and Alaska, because as of permit signature, EPA had not received a certification pursuant to section 401 of the Clean Water Act (CWA) from Hawaii or a final response on the national consistency determination required by section 307(c)(1) of the Coastal Zone Management Act (CZMA) from Alaska. EPA has since received the required section 401 certification and CZMA response and has amended the permit to reflect them. Today's action provides notice of the final permit issuance for the states of Hawaii and Alaska.

The VGP was issued in response to a District Court ruling that vacates, as of February 6, 2009, a long-standing EPA regulation that excludes discharges incidental to the normal operation of a vessel from the need to obtain an NPDES permit. As of February 6, 2009, discharges incidental to the normal operation of a vessel that had formerly been exempted from NPDES permitting by the regulation will be subject to the prohibition in CWA section 301(a) against the discharge of pollutants without a permit.

EPA solicited information and data on discharges incidental to normal vessel operations to assist in developing two NPDES general permits in a **Federal Register** Notice published June 21, 2007 (72 FR 32421). The majority of information and data in response to that notice came from seven different groups: individual citizens, commercial fishing representatives, commercial shipping groups, environmental or outdoor recreation groups, the oil and gas industry, recreational boating-related businesses, and state governments. EPA considered all the information and data received along with other publicly available information in developing two proposed vessel permits.

EPA published the two proposed permits and accompanying fact sheets for public comment on June 17, 2008 (73 FR 34296). As proposed, the VGP would have covered all commercial and non-recreational vessels and those recreational vessels longer or equal to 79 feet, and the proposed Recreational General Permit (RGP) would have covered recreational vessels less than 79 feet in length. However, after the permits were proposed, Congress enacted two new laws that impact the universe of vessels covered under today's permit. On July 29, 2008, Senate bill S. 2766 (''the Clean Boating Act of 2008'') was signed into law (Pub. L. 110–288). This law provides that recreational vessels shall not be subject to the requirement to obtain an NPDES permit to authorize discharges incidental to their normal operation. As a result of this legislation, EPA is not finalizing the proposed RGP and has also modified the VGP, which included those recreational vessels over 79 feet, to eliminate that coverage. On July 31, 2008, Senate bill S. 3298 was signed into law (Pub. L. 110–299). This law generally imposes a two-year moratorium during which time neither EPA nor states can require NPDES permits for discharges (except ballast water discharges) incidental to the normal operation of vessels of less than 79 feet and commercial fishing vessels of any length. EPA is not taking final action on the proposed permit as it would apply to these vessels and has revised the final VGP to reflect the new law.

DATES: Today's action is effective on February 6, 2009. This effective date is necessary to provide affected vessels the necessary permit coverage under the Clean Water Act in light of the February 6, 2009 vacatur of the 40 CFR 122.3(a) NPDES permitting exemption.[1] Under the Agency's authority in 40 CFR Part 23, this permit (as applied to Alaska and Hawaii) shall be considered issued for the purpose of judicial review on February 6, 2009.[2] Under section 509(b)

[1] The U.S. District Court for the Northern District of California has twice, at the request of parties to the litigation, delayed the date of vacatur of the 40 CFR 122.3(a) exclusion for discharges incidental to the normal operation of a vessel. See *Northwest Environmental Advocates et al.* v. *United States EPA,* 2008 U.S. Dist. LEXIS 66738 (N.D. Cal. August 31, 2008) (extending the date to December 19, 2008) and *Northwest Environmental Advocates et al.* v. *United States EPA,* No. C 03–05760–SI (December 17, 2008) (extending the date to February 6, 2009).

[2] Under 40 CFR 23.2, actions such as today's would by default be considered issued for purposes of judicial review two weeks after publication in the **Federal Register**. However, in other contexts,

of the Clean Water Act, judicial review of this general permit can be had by filing a petition for review in the United States Court of Appeals within 120 days after the permit is considered issued for purposes of judicial review. Under section 509(b)(2) of the Clean Water Act, the requirements in this permit may not be challenged later in civil or criminal proceedings to enforce these requirements. In addition, this permit may not be challenged in other agency proceedings. Deadlines for submittal of notices of intent are provided in part 1.5 of the VGP. This permit also provides additional dates for compliance with the terms of this permit.

FOR FURTHER INFORMATION CONTACT: For further information on this final vessel NPDES general permit, contact Ryan Albert at EPA Headquarters, Office of Water, Office of Wastewater Management, Mail Code 4203M, 1200 Pennsylvania Ave., NW., Washington, DC 20460; or at tel. 202–564–0763; or Juhi Saxena at EPA Headquarters, Office of Water, Office of Wastewater Management, Mail Code 4203M, 1200 Pennsylvania Ave., NW., Washington, DC 20460; or at tel. 202–564–0719; or e-mail: *CommercialVesselPermit@epa.gov.*

For EPA Region 9, contact Eugene Bromley at USEPA REGION 9, 75 Hawthorne Street, Mail Code: WTR–5, San Francisco, CA 94105; or at tel.: (415) 972–3510; or e-mail at *bromley.eugene@epa.gov.*

For EPA Region 10, contact Cindi Godsey at USEPA Region 10—Alaska Operations Office, Federal Building Room 537, 222 West 7th Avenue, #19 Mail Code: AOO/A, Anchorage, AK 99513–7588; or at tel.: (907) 271–6561; or e-mail at *godsey.cindi@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Final Permit Apply to Me?

The VGP applies to all vessels operating in a capacity as a means of transportation, except recreational vessels as defined in CWA section 502(25), Public Law 110–288, that have discharges incidental to their normal operations into waters subject to this permit. With respect to (1) commercial fishing vessels of any size as defined in 46 U.S.C. 2101 and (2) those non-recreational vessels that are less than 79 feet in length, the coverage under this permit is limited to ballast water discharges only. Unless otherwise excluded from coverage by Part 6 of the permit, waters subject to this permit, means waters of the U.S. as defined in 40 CFR 122.2.

B. How Can I Get Copies of These Documents and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under Docket ID No. EPA–HQ–OW–2008–0055. The official public docket is the collection of materials, including the administrative record, for the final permit, required by 40 CFR 124.18. It is available for public viewing at the Water Docket in the EPA Docket Center, (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC 20460. Although all documents in the docket are listed in an index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Publicly available docket materials are available electronically through *http://www.regulations.gov* and in hard copy at the EPA Docket Center Public Reading Room, open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744 and the telephone number for the Water Docket is (202) 566–2426. In addition, the comments and information that EPA received in response to its June 21, 2007, **Federal Register** notice can be found in the public docket at *http://www.regulations.gov* by searching Docket ID No. EPA–HQ–OW–2007–0483.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/.*

An electronic version of the public docket is available through the Federal Docket Management System (FDMS) found at *http://www.regulations.gov.* You may use the FDMS to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once at the Web site, enter the appropriate Docket ID No. in the ''Search'' box to view the docket.

Certain types of information will not be placed in the EPA dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Section I.A.1.

3. *Response to Public Comments.* EPA received 173 comments on the proposed VGP from the shipping industry (108), States (28), Environmental Groups and the public (37). EPA has responded to all comments received and has included these responses in a separate document in the public docket for this permit. See the document titled Proposed VGP: EPA's Response to Public Comments.

III. Scope and Applicability of the 2008 VGP

A. CWA Section 401 Certification

EPA may not issue a permit authorizing discharges into the waters of a State until that State has granted certification under CWA section 401 or has waived its right to certify (or been deemed to have waived). 33 U.S.C. 1341(a)(1); 40 CFR 124.53(a). For this permit, a State was deemed to have waived its right to certify if it did not exercise that right within 60 days from the date the State was notified of the draft permit, unless EPA granted that State more time to certify based on ''unusual circumstances.'' 40 CFR 124.53(c)(3). If a State believed that any permit condition(s) more stringent than those contained in the draft permit were necessary to meet the applicable requirements of either the CWA or State law, the State had an opportunity to include those condition(s) in its certification. 40 CFR 124.53(e)(1). Hawaii provided such conditions in its certification, and EPA has added them to Part 6 of the VGP pursuant to CWA section 401(d). 33 U.S.C. 1341(d).

B. Coastal Zone Management Act Consistency Determination

The Coastal Zone Management Act (CZMA) and its implementing regulations (15 CFR Part 930) require that any Federal agency activity or federally licensed or permitted activity occurring within the coastal zone (or outside the coastal zone by affecting the coastal zone) of a state with an approved coastal zone management program (CZMP) be consistent with the enforceable policies of that approved program to the maximum extent practicable. Agency general permits that do not involve case-by-case or

affected parties have expressed concern that deferring judicial review of Agency permits beyond the point at which regulated entities are obligated to comply with them may compromise judicial review rights. EPA is therefore exercising its discretion under 40 CFR 23.2 to deem today's permit ''issued for purposes of judicial review'' on the same date it becomes effective.

individualized determinations by the Agency are federal activities for the purposes of CZMA section 307(c)(1). Following proposal of the draft VGP, EPA provided the relevant state coastal zone management agencies with its national consistency determination regarding the enforceable policies in approved state CZMPs for the coastal zones including state waters where the VGP would authorize discharges. 15 CFR 930.31(d). For the VGP, EPA developed a national consistency determination pursuant to the CZMA regulations at 15 CFR 930.36(e).

Under the CZMA process, several States provided conditions to the VGP, based on specific enforceable coastal policies of the State, which allowed the State to concur with EPA's consistency determination. According to the regulations, EPA incorporated these conditions to the maximum extent practicable. If a State coastal zone management agency's conditions are not incorporated into the general permit or if the State coastal zone management agency objects to the general permit, then the general permit is not available for use by potential general permit users in that State unless the applicant who wants to use the general permit provides the State agency with the applicant's consistency determination and the State agency concurs. 15 CFR 930.31(d). NOAA has explained that ''a State objection to a consistency determination for the issuance of a general permit would alter the form of CZMA compliance required, transforming the general permit into a series of case-by-case CZMA decisions and requiring an individual who wants to use the general permit to submit an individual consistency certification to the State agency in compliance with 15 CFR part 930.'' 71 FR 788, 793. In States that have not provided conditions for incorporation into the permit to allow the State to concur, as well as States that have not objected to the permit, EPA's CZMA compliance requirements derive from CZMA section 307(c)(1). *Id.*

Subsequent to the publication of the VGP on December 29, 2009, but within the timeframes contemplated under the federal CZMA regulations (based on information requests from the State coastal zone management agency to EPA), the Alaska Division of Coastal and Ocean Management concurred with EPA's national consistency determination on January 13, 2009, and therefore, potential permittees in Alaska's waters may now seek coverage under the VGP.

C. Geographic Coverage of VGP

The VGP applies to discharges incidental to the normal operation of a vessel identified as being eligible for coverage in the final permit, into waters subject to the permit. These waters are ''waters of the United States'' as defined in 40 CFR 122.2 (extending to the reach of the 3-mile territorial sea as defined in section 502(8) of the CWA). The final permit covers vessel discharges in the waters of the U.S. in all States, Territories and Indian Country Land, regardless of whether a ''state'' is otherwise authorized to implement the NPDES permit program within its jurisdiction. For more information on this approach, see the fact sheet accompanying the final permit.

D. Categories of Vessels Covered Under VGP

The final vessel general permit (VGP) applies to owners and operators of non-recreational vessels that are 79 feet (24.08 meters) and greater in length, as well as to owners and operators of commercial vessels of less than 79 feet and commercial fishing vessels of any length which discharge ballast water.

The final VGP does not apply to recreational vessels of any size, commercial fishing vessels of any size which do not discharge ballast water, and non-recreational vessels of less than 79 feet which do not discharge ballast water. For non-recreational vessels of less than 79 feet in length and commercial fishing vessels that discharge ballast water, the only effluent limit these vessels are subject to are the VGP standards that apply to ballast water discharges.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

The legal question of whether a general permit (as opposed to an individual permit) qualifies as a ''rule'' or as an ''adjudication'' under the Administrative Procedure Act (APA) has been the subject of periodic litigation. In a recent case, the court held that the CWA Section 404 nationwide general permit before the court did qualify as a ''rule'' and therefore that the issuance of the general permit needed to comply with the applicable legal requirements for the issuance of a ''rule.'' *National Ass'n of Home Builders* v. *U.S. Army Corps of Engineers,* 417 F.3d 1272, 1284–85 (DC Cir. 2005) (Army Corps general permits under Section 404 of the Clean Water Act are rules under the APA and the Regulatory Flexibility Act; ''Each NWP [nationwide permit] easily fits within the APA's definition 'rule.' * * * As such, each NWP constitutes a rule * * *'').

As EPA stated in 1998, ''the Agency recognizes that the question of the applicability of the APA, and thus the RFA, to the issuance of a general permit is a difficult one, given the fact that a large number of dischargers may choose to use the general permit.'' 63 FR 36489, 36497 (July 6, 1998). At that time, EPA ''reviewed its previous NPDES general permitting actions and related statements in the **Federal Register** or elsewhere,'' and stated that ''[t]his review suggests that the Agency has generally treated NPDES general permits effectively as rules, though at times it has given contrary indications as to whether these actions are rules or permits.'' *Id.* at 36496. Based on EPA's further legal analysis of the issue, the Agency ''concluded, as set forth in the proposal, that NPDES general permits are permits [*i.e.*, adjudications] under the APA and thus not subject to APA rulemaking requirements or the RFA.'' *Id.* Accordingly, the Agency stated that ''the APA's rulemaking requirements are inapplicable to issuance of such permits,'' and thus ''NPDES permitting is not subject to the requirement to publish a general notice of proposed rulemaking under the APA or any other law * * * [and] it is not subject to the RFA.'' *Id.* at 36497.

However, the Agency went on to explain that, even though EPA had concluded that it was not legally required to do so, the Agency would voluntarily perform the RFA's small-entity impact analysis. *Id.* EPA explained the strong public interest in the Agency following the RFA's requirements on a voluntary basis: ''[The notice and comment] process also provides an opportunity for EPA to consider the potential impact of general permit terms on small entities and how to craft the permit to avoid any undue burden on small entities.'' *Id.* Accordingly, with respect to the NPDES permit that EPA was addressing in that **Federal Register** notice, EPA stated that ''the Agency has considered and addressed the potential impact of the general permit on small entities in a manner that would meet the

requirements of the RFA if it applied.'' *Id.*

Subsequent to EPA's conclusion in 1998 that general permits are adjudications, rather than rules, as noted above, the DC Circuit recently held that nationwide general permits under section 404 are ''rules'' rather than ''adjudications.'' Thus, this legal question remains ''a difficult one'' (*supra*). However, EPA continues to believe that there is a strong public policy interest in EPA applying the RFA's framework and requirements to the Agency's evaluation and consideration of the nature and extent of any economic impacts that a CWA general permit could have on small entities (*e.g.*, small businesses). In this regard, EPA believes that the Agency's evaluation of the potential economic impact that a general permit would have on small entities, consistent with the RFA framework discussed below, is relevant to, and an essential component of, the Agency's assessment of whether a CWA general permit would place requirements on dischargers that are appropriate and reasonable. Furthermore, EPA believes that the RFA's framework and requirements provide the Agency with the best approach for the Agency's evaluation of the economic impact of general permits on small entities. While using the RFA framework to inform its assessment of whether permit requirements are appropriate and reasonable, EPA will also continue to ensure that all permits satisfy the requirements of the Clean Water Act.

Accordingly, EPA has committed that the Agency will operate in accordance with the RFA's framework and requirements during the Agency's issuance of CWA general permits (in other words, the Agency commits that it will apply the RFA in its issuance of general permits as if those permits do qualify as ''rules'' that are subject to the RFA). In satisfaction of this commitment, during the course of this VGP proceeding, the Agency conducted the analysis and made the appropriate determinations that are called for by the RFA. In addition, and in satisfaction of the Agency's commitment, EPA will apply the RFA's framework and requirements in any future issuance of other NPDES general permits. EPA anticipates that for most general permits the Agency will be able to conclude that there is not a significant economic impact on a substantial number of small entities. In such cases, the requirements of the RFA framework are fulfilled by including a statement to this effect in the permit fact sheet, along with a statement providing the factual basis for the conclusion. A quantitative analysis of impacts would only be required for permits that may affect a substantial number of small entities, consistent with EPA guidance regarding RFA certification.[3]

V. Analysis of Economic Impacts of VGP

EPA determined that, in consideration of the discussion in Section IV above, the issuance of the VGP may have the potential to affect a substantial number of small entities. Therefore, in order to determine what, if any, economic impact this permit may have on small businesses, EPA conducted an economic assessment of the VGP and the RGP. This economic analysis is included in the records for these permits. Based on this assessment, EPA concludes that despite a minimal economic impact on all entities, including small businesses, this permit is not likely to have a significant economic impact on a substantial number of small entities.

Including the ballast water and other discharge requirements, the draft economic impact analysis indicates that the best management practices in this permit would cost between $6.7 million and $16.7 million annually. Including paperwork requirements, the permit is estimated to cost between $7.7 and $21.9 million annually for domestic vessels. Including estimates of ballast water costs for foreign vessels, the permit is expected to cost between $8.9 and $23.0 million annually. Depending upon sector (vessel type), median costs per firm range from $1 to $795 in the low-end assumptions and from $5 to $1,967 in the high-end assumptions (excluding median values from commercial fishing vessels which are expected to be $0). Costs for the 95th percentile range from $7 for the Deep Sea Coastal and Great Lakes Passenger Vessels to $20,355 for marine cargo handling under low-end cost estimates and from $88 to $35,190 for the same vessel classes for high-end cost estimates (see table 7.1 of the economic assessment cost estimates across vessel classes). EPA applied a cost-to-revenue test which calculates annualized pre-tax compliance cost as a percentage of total revenues and used a threshold of 1 and 3 percent to identify entities that would be significantly impacted as a result of this Permit. The total number of entities expected to exceed a 1% cost ratio ranges from 213 under low cost assumptions to 308 under high cost assumptions. Of this universe, the total number of entities expected to exceed a 3% cost ratio ranges from 55 under low cost assumptions to 73 under high cost assumptions. The total universe that would be affected by this permit includes approximately 61,000 domestic flagged vessels and 8,000 foreign flagged vessels. Accordingly, EPA concludes that this permit is unlikely to result in a significant economic impact on any businesses and in particular, small businesses. The economic analysis is available in the record for the VGP.

V1. Paperwork Reduction Act

The information collection requirements in this permit have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* as part of the NPDES Consolidated ICR. On September 28, 2008 EPA published the first public notice of this ICR under the OMB number 2040–0004 and on December 17, 2008, EPA published the final public notice for a 30 day comment period. The information collection requirements for this permit are not enforceable until OMB approves the ICR.

This information must be collected in order to appropriately administer and enforce the terms and conditions of the Vessel General Permit. This information collection is mandatory as authorized by Clean Water Act Section 308 and all information collected will be treated as Confidential Business Information (CBI).

The information collection burden for the paperwork collection requirements of this permit is estimated to be 135,693 hours per year, which represents a burden of 0.64 hours per response per year, multiplied by a total of 210,759 responses per year from 65,625 respondents (**note**: to ensure that an adequate number of burden hours are requested, the number of respondents is slightly higher than the estimated 61,000 domestically flagged vessels identified in the economic analysis that would be affected by this permit). The frequency of responses varies, but includes every five years, annual, quarterly, and occasionally/as needed, depending on the specific reporting requirements. No reporting and recordkeeping costs beyond labor costs are estimated for this permit.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information

[3] EPA's current guidance, entitled Final Guidance for EPA Rulewriters: Regulatory Flexibility Act as Amended by the Small Business Regulatory Enforcement and Fairness Act, was issued in November 2006 and is available on EPA's Web site: *http://www.epa.gov/sbrefa/documents/rfafinalguidance06.pdf.* After considering the Guidance and the purpose of CWA general permits, EPA concludes that general permits affecting less than 100 small entities do not have a significant economic impact on a substantial number of small entities.

unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR Part 9. When this ICR is approved by OMB, the Agency will publish a technical amendment to 40 CFR Part 9 in the **Federal Register** to display the OMB control number for the approved information collection requirements contained in this final permit.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: February 2, 2009.

Alexis Strauss,

Director, Water Division, EPA Region 9.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: February 2, 2009.

Michael A. Bussell,

Director, Office of Water and Watersheds, EPA Region 10.

[FR Doc. E9–3045 Filed 2–11–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8772–6]

EPA Science Advisory Board Staff Office; Notification of a Public Teleconference Meeting of the Chartered Science Advisory Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public teleconference meeting of the Chartered Science Advisory Board to discuss a draft letter on science needs for EPA.

DATES: The meeting date is Thursday, March 5, 2009, from 2 p.m. to 4 p.m. (Eastern Time).

Location: The meeting will be conducted by telephone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain general information concerning this public teleconference meeting should contact Mr. Thomas O. Miller, Designated Federal Officer (DFO), EPA Science Advisory Board (1400F), 1200 Pennsylvania Ave., NW., Washington, DC 20460; via telephone/voice mail: (202) 343–9982; fax: (202) 233–0643; or e-mail at *miller.tom@epa.gov*. General information concerning the EPA Science Advisory Board can be found on the SAB Web site at: *http://www.epa.gov/sab*.

SUPPLEMENTARY INFORMATION: The SAB was established by 42 U.S.C. 4365 to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal advisory committee chartered under the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the EPA SAB will hold a public teleconference meeting to discuss a draft letter on immediate EPA science needs.

Background: SAB Telephone Conference, Thursday, March 5, 2009

Discussion of EPA Science Needs. At this meeting, the Chartered Science Advisory Board will discuss a draft letter that highlights science issues and needs for EPA's consideration. Should other issues need to be added to the agenda, they will be reflected on the agenda, along with other relevant information, that will be placed onto the SAB Web site at: *http://www.epa.gov/sab* prior to the meeting.

Availability of Meeting Materials: The agenda and other materials in support of this meeting will be placed on the SAB Web site at *http://www.epa.gov/sab* in advance of this meeting.

Procedures for Providing Public Input: Interested members of the public may submit relevant written or oral information for the SAB to consider on the topics included in this advisory activity and/or group conducting the activity. *Oral Statements:* In general, individuals or groups requesting an oral presentation at a public meeting will be limited to three minutes per speaker, with no more than a total of one-half hour for all speakers. Interested parties should contact Mr. Miller, DFO, in writing (preferably via e-mail) at the contact information noted above, by February 26, 2009 to be placed on a list of public speakers for the meeting. *Written Statements:* Written statements should be received in the SAB Staff Office by February 26, 2009 so that the information may be made available to the SAB Panel members for their consideration and placed on the SAB Web site for public information. Written statements should be supplied to the DFO in the following formats: One hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, WordPerfect, MS Word, MS PowerPoint, or Rich Text files in IBM-PC/Windows 98/2000/XP format). Submitters are asked to provide versions of each document submitted with *and* without signatures, because the SAB Staff Office does not publish documents with signatures on its Web sites.

Accessibility: For information on access or services for individuals with disabilities, please contact Mr. Thomas Miller at (202) 343–9982, or *miller.tom@epa.gov*. To request accommodation of a disability, please contact Mr. Miller, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: February 6, 2009.

Patricia Thomas,

Acting Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. E9–2906 Filed 2–11–09; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[IB Docket No. 04–286; DA 09–193]

Second Meeting of the Advisory Committee for the 2011 World Radiocommunication Conference

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the second meeting of the WRC–11 Advisory Committee will be held on March 31, 2009, at the Federal Communications Commission. The purpose of the meeting is to continue preparations for the 2011 World Radiocommunication Conference. The Advisory Committee will consider any preliminary views introduced by the Advisory Committee's Informal Working Groups.

DATES: March 31, 2009; 11 a.m. to 12 noon.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–C305, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Alexander Roytblat, Designated Federal Official, WRC–11 Advisory Committee, FCC International Bureau, Strategic Analysis and Negotiations Division, at (202) 418–7501.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission (FCC) established the WRC–11 Advisory Committee to provide advice, technical support and recommendations relating to the preparation of United States proposals and positions for the 2011

World Radiocommunication Conference (WRC–11).

In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the second meeting of the WRC–11 Advisory Committee. The WRC–11 Advisory Committee has an open membership. All interested parties are invited to participate in the Advisory Committee and to attend its meetings. The proposed agenda for the second meeting is as follows:

Agenda

Second Meeting of the WRC–11 Advisory Committee, Federal Communications Commission, 445 12th Street, SW., Room TW–C305, Washington, DC 20554, March 31, 2009; 11 a.m. to 12 noon.

1. Opening Remarks.
2. Approval of Agenda.
3. Approval of the Minutes of the First Meeting.
4. IWG Reports and Documents Relating to Preliminary Views.
5. Future Meetings.
6. Other Business.

Federal Communications Commission.

John Giusti,

Acting Chief, International Bureau.

[FR Doc. E9–3070 Filed 2–11–09; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL HOUSING FINANCE AGENCY

Federal Home Loan Bank Members Selected for Community Support Review

AGENCY: Federal Housing Finance Agency.

ACTION: Notice.

SUMMARY: The Federal Housing Finance Agency (FHFA) is announcing the Federal Home Loan Bank (Bank) members it has selected for the 2008–09 fourth quarter review cycle under the FHFA's community support requirements regulation. This notice also prescribes the deadline by which Bank members selected for review must submit Community Support Statements to FHFA.

DATES: Bank members selected for the review cycle under the FHFA's community support requirements regulation must submit completed Community Support Statements to FHFA on or before March 27, 2009.

ADDRESSES: Bank members selected for the 2008–09 fourth quarter review cycle under the FHFA's community support requirements regulation must submit completed Community Support Statements to FHFA either by regular mail at the Federal Housing Finance Agency, Housing Mission and Goals, 1625 Eye Street, NW., Washington, DC 20006, or by electronic mail at *LENORA.MORTON@FHFA.GOV*.

FOR FURTHER INFORMATION CONTACT: Lenora Morton, Administrative Specialist, Housing Mission and Goals, Federal Housing Finance Agency, by telephone at 202/408–2819, by electronic mail at *LENORA.MORTON@FHFA.GOV*, or by regular mail at the Federal Housing Finance Agency, 1625 Eye Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

I. Selection for Community Support Review

Section 10(g)(1) of the Federal Home Loan Bank Act (Bank Act) requires FHFA to promulgate regulations establishing standards of community investment or service Bank members must meet in order to maintain access to long-term advances. *See* 12 U.S.C. 1430(g)(1). The regulations promulgated by FHFA must take into account factors such as the Bank member's performance under the Community Reinvestment Act of 1977 (CRA), 12 U.S.C. 2901 *et seq.*, and record of lending to first-time homebuyers. *See* 12 U.S.C. 1430(g)(2). Pursuant to section 10(g) of the Bank Act, FHFA has promulgated a community support requirements regulation that establishes standards a Bank member must meet in order to maintain access to long-term advances, and review criteria FHFA must apply in evaluating a member's community support performance. *See* 12 CFR part 944. The regulation includes standards and criteria for the two statutory factors—CRA performance and record of lending to first-time homebuyers. 12 CFR 944.3. Only members subject to the CRA must meet the CRA standard. 12 CFR 944.3(b). All members, including those not subject to CRA, must meet the first-time homebuyer standard. 12 CFR 944.3(c).

Under the rule, FHFA selects approximately one-eighth of the members in each Bank district for community support review each calendar quarter. 12 CFR 944.2(a). FHFA will not review an institution's community support performance until it has been a Bank member for at least one year. Selection for review is not, nor should it be construed as, any indication of either the financial condition or the community support performance of the member.

Each Bank member selected for review must complete a Community Support Statement and submit it to FHFA by the March 27, 2009 deadline prescribed in this notice. 12 CFR 944.2(b)(1)(ii) and (c). On or before February 27, 2009, each Bank will notify the members in its district that have been selected for the 2008–09 fourth quarter community support review cycle that they must complete and submit to FHFA by the deadline a Community Support Statement. 12 CFR 944.2(b)(2)(i). The member's Bank will provide a blank Community Support Statement Form, which also is available on the FHFA's Web site: *http://www.fhfb.gov*. Upon request, the member's Bank also will provide assistance in completing the Community Support Statement.

FHFA has selected the following members for the 2008–09 fourth quarter community support review cycle:

Federal Home Loan Bank of Boston—District 1

Union Savings Bank	Danbury	Connecticut.
Jewett City Savings Bank	Jewett City	Connecticut.
The First National Bank of Litchfield	Litchfield	Connecticut.
Naugatuck Valley Savings and Loan	Naugatuck	Connecticut.
New Alliance Bank	New Haven	Connecticut.
Newtown Savings Bank	Newtown	Connecticut.
Fairfield County Bank	Ridgefield	Connecticut.
First County Bank	Stamford	Connecticut.
Patriot National Bank	Stamford	Connecticut.
Dutch Point Credit Union, Inc	Wethersfield	Connecticut.
Windsor Locks Federal Credit Union	Windsor Locks	Connecticut.
Bangor Savings Bank	Bangor	Maine.
Bangor Federal Credit Union	Bangor	Maine.

Bar Harbor Savings & Loan Association	Bar Harbor	Maine.
Northeast Bank	Lewiston	Maine.
First Citizens Bank	Presque Isle	Maine.
York County Federal Credit Union	Sanford	Maine.
TD Bank North	Portland	Maine.
North Abington Co-operative Bank	Abington	Massachusetts.
South Adams Savings Bank	Adams	Massachusetts.
Athol Credit Union	Athol	Massachusetts.
Barre Savings Bank	Barre	Massachusetts.
Crescent Credit Union	Brockton	Massachusetts.
Brookline Bank	Brookline	Massachusetts.
North Cambridge Co-operative Bank	Cambridge	Massachusetts.
Cambridge Trust Company	Cambridge	Massachusetts.
Canton Co-Operative Bank	Canton	Massachusetts.
Meetinghouse Cooperative Bank	Dorchester	Massachusetts.
The Edgartown National Bank	Edgartown	Massachusetts.
Fitchburg Savings Bank, FSB	Fitchburg	Massachusetts.
Greenfield Co-operative Bank	Greenfield	Massachusetts.
Haverhill Co-operative Bank	Haverhill	Massachusetts.
Ipswich Co-operative Bank	Ipswich	Massachusetts.
Leominster Credit Union	Leominster	Massachusetts.
Fidelity Cooperative Bank	Leominster	Massachusetts.
Lowell Co-operative Bank	Lowell	Massachusetts.
Marlborough Savings Bank	Marlborough	Massachusetts.
The Milford National Bank & Trust Company	Milford	Massachusetts.
Natick Federal Savings Bank	Natick	Massachusetts.
Institution for Savings in Newburyport & its Vicinity	Newburyport	Massachusetts.
Rockland Federal Credit Union	Rockland	Massachusetts.
South Coastal Bank	Rockland	Massachusetts.
The Cooperative Bank	Roslindale	Massachusetts.
Salem Five Cents Savings Bank	Salem	Massachusetts.
Taupa Lithuanian Federal Credit Union	South Boston	Massachusetts.
Southbridge Credit Union	Southbridge	Massachusetts.
Stoneham Savings Bank	Stoneham	Massachusetts.
Country Bank for Savings	Ware	Massachusetts.
Wellesley Bank	Wellesley	Massachusetts.
South Shore Co-operative Bank	Weymouth	Massachusetts.
Winchester Co-operative Bank	Winchester	Massachusetts.
Bay State Savings Bank	Worcester	Massachusetts.
Cape Cod Cooperative Bank	Yarmouth Port	Massachusetts.
Centrix Bank & Trust	Bedford	New Hampshire.
Northway Bank	Berlin	New Hampshire.
Lancaster National Bank	Lancaster	New Hampshire.
Holy Rosary Regional Credit Union	Rochester	New Hampshire.
Profile Bank	Rochester	New Hampshire.
BankNewport	Newport	Rhode Island.
Citizens Bank of Rhode Island	Providence	Rhode Island.
Greenwood Credit Union	Warwick	Rhode Island.
Brattleboro Savings & Loan Association FA	Brattleboro	Vermont.
Lyndonville Bank	Lyndonville	Vermont.
First Community Bank	Woodstock	Vermont.

Federal Home Loan Bank of New York—District 2

Cape Savings Bank	Cape May Court House.	New Jersey.
United Roosevelt Savings Bank	Carteret	New Jersey.
Unity Bank	Clinton	New Jersey.
1st Constitution Bank	Cranbury	New Jersey.
Delanco Federal Savings Bank	Delanco	New Jersey.
Pinnacle Federal Credit Union	Edison	New Jersey.
Columbia Bank	Fair Lawn	New Jersey.
Haven Savings Bank	Hoboken	New Jersey.
Manasquan Savings Bank	Manasquan	New Jersey.
Susquehanna Patriot Bank	Marlton	New Jersey
1st Bank of Sea Isle City	Sea Isle City	New Jersey.
Somerset Valley Bank	Somerville	New Jersey.
Union Center National Bank	Union	New Jersey.
Wawel Savings Bank	Wallington	New Jersey.
Crest Savings Bank	Wildwood	New Jersey.
The Bridgehampton National Bank	Bridgehampton	New York.
Atlas Savings and Loan Association	Brooklyn	New York.
Visions Federal Credit Union	Endicott	New York.
Bank of Smithtown	Hauppauga	New York.
Tompkins Trust Company	Ithaca	New York.
The First National Bank of Jeffersonville	Jeffersonville	New York.

The National Union Bank of Kinderhook	Kinderhook	New York.
Mid-Hudson Valley Federal Credit Union	Kingston	New York.
Medina Savings and Loan Association	Medina	New York.
Isreal Discount Bank of New York	New York	New York.
Emigrant Savings Bank	New York	New York.
NBT Bank, N.A.	Norwich	New York.
The Oneida Savings Bank	Oneida	New York.
Suffolk County National Bank	Riverhead	New York.
Sawyer Savings Bank	Saugerties	New York.
Adirondack Bank	Utica	New York.
Walden Federal Savings and Loan Association	Walden	New York.
Northeast Community Bank	White Plains	New York.
First Central Savings Bank	Whitestone	New York.
City and Suburban Federal Savings Bank	Yonkers	New York.
Banco Bilbao Vizcaya Argentaria Puerto Rico	Hato Rey	Puerto Rico.
Westernbank Puerto Rico	Mayaguez	Puerto Rico.

Federal Home Loan Bank of Pittsburgh—District 3

Christiana Bank & Trust Company	Greenville	Delaware.
ING Bank, fsb	Wilmington	Delaware.
The First National Bank of Wyoming	Wyoming	Delaware.
American Bank	Allentown	Pennsylvania.
Iron Workers Bank	Aston	Pennsylvania.
Brentwood Bank	Bethel Park	Pennsylvania.
National Penn Bank	Boyertown	Pennsylvania.
Union Building & Loan Savings Bank	Bridgewater	Pennsylvania.
Community Bank & Trust Co	Clarks Summit	Pennsylvania.
Clearfield Bank & Trust Company	Clearfield	Pennsylvania.
Centra Bank	Harrisburg	Pennsylvania.
The Dime Bank	Honesdale	Pennsylvania.
Indiana First Bank	Indiana	Pennsylvania.
Jim Thorpe National Bank	Jim Thorpe	Pennsylvania.
Manor National Bank	Manor	Pennsylvania.
Province Bank, FSB	Marietta	Pennsylvania.
The First National Bank of Marysville	Marysville	Pennsylvania.
Standard Bank, PaSB	Monroeville	Pennsylvania.
SB1 Federal Credit Union	Philadelphia	Pennsylvania.
American Heritage Federal Credit Union	Philadelphia	Pennsylvania.
The Philadelphia Trust Company	Philadelphia	Pennsylvania.
New Century Bank	Phoenixville	Pennsylvania.
PNC Bank	Pittsburgh	Pennsylvania.
Allegheny Valley Bank of Pittsburgh	Pittsburgh	Pennsylvania.
Franklin Security Bank	Plains	Pennsylvania.
Somerset Trust Company	Somerset	Pennsylvania.
Univest National Bank and Trust Company	Souderton	Pennsylvania.
Compass Savings Bank	Wilmerding	Pennsylvania.
Sovereign Bank FSB	Wyomissing	Pennsylvania.
Hancock County Savings Bank FSB	Chester	West Virginia.
Citizens National Bank of Elkins	Elkins	West Virginia.
MVB Bank, Inc	Fairmont	West Virginia.
Fayette County National Bank	Fayetteville	West Virginia.
Rock Branch Community Bank	Nitro	West Virginia.
The Bank of Romney	Romney	West Virginia.
Traders Bank	Spencer	West Virginia.
Progressive Bank, N.A	Wheeling	West Virginia.

Federal Home Loan Bank of Atlanta—District 4

America's First Federal Credit Union	Birmingham	Alabama.
First Educators Credit Union	Birmingham	Alabama.
First Bank of Boaz	Boaz	Alabama.
Town-Country National Bank	Camden	Alabama.
Coosa Pines Federal Credit Union	Childersburg	Alabama.
Escambia County Bank	Flomaton	Alabama.
First Federal Bank	Fort Payne	Alabama.
Traders & Farmers Bank	Haleyville	Alabama.
City Bank of Hartford	Hartford	Alabama.
Worthington Federal Bank	Huntsville	Alabama.
Pinnacle Bank	Jasper	Alabama.
First National Bank of Jasper	Jasper	Alabama.
Marion Bank and Trust Company	Marion	Alabama.
Bank of Pine Hill	Pine Hill	Alabama.
First Gulf Bank, NA	Summerdale	Alabama.
Alabama Credit Union	Tuscaloosa	Alabama.
First Federal Bank, A Federal Savings Bank	Tuscaloosa	Alabama.

AmeriFirst Bank	Union Springs	Alabama.
Small Town Bank	Wedowee	Alabama.
Bank of York	York	Alabama.
DVA Federal Credit Union	Washington	DC.
Independence Federal Savings Bank	Washington	DC.
Community National Bank of Bartow	Bartow	Florida.
First Southern Bank	Boca Raton	Florida.
Platinum Bank	Brandon	Florida.
Citizens Bank & Trust	Frostproof	Florida.
Columbia Bank	Lake City	Florida.
Pacific National Bank	Miami	Florida.
Northern Trust, NA	Miami	Florida.
City National Bank of Florida	Miami	Florida.
Metro Bank of Dade County	Miami	Florida.
Intercredit Bank, N.A	Miami	Florida.
Interamerican Bank, a Federal Savings Bank	Miami	Florida.
Farmers and Merchants Bank	Monticello	Florida.
The First National Bank of Mount Dora	Mount Dora	Florida.
First Commercial Bank of Florida	Orlando	Florida.
Fairwinds Credit Union	Orlando	Florida.
Republic Bank	Port Richey	Florida.
First Peoples Bank	Port St. Lucie	Florida.
Community Educators' Credit Union	Rockledge	Florida.
First Community Bank of America	St. Petersburg	Florida.
Cornerstone Community Bank	St. Petersburg	Florida.
Valrico State Bank	Valrico	Florida.
Grand Bank & Trust of Florida	West Palm	Florida.
The Perkins State Bank	Williston	Florida.
Albany Bank and Trust	Albany	Georgia.
Bank of North Georgia	Alpharetta	Georgia.
United Americas Bank, N.A	Atlanta	Georgia
ebank	Atlanta	Georgia.
SunTrust Bank	Atlanta	Georgia.
First Port City Bank	Bainbridge	Georgia.
Peoples State Bank and Trust	Baxley	Georgia.
Bank of Early	Blakely	Georgia.
The Coastal Bank of Georgia	Brunswick	Georgia.
West Georgia National Bank	Carrollton	Georgia.
Unity National Bank	Cartersville	Georgia.
Tippins Bank and Trust Company	Claxton	Georgia.
The Citizens Bank of Forsyth County	Cumming	Georgia.
Alliance National Bank	Dalton	Georgia.
First Bank of Dalton	Dalton	Georgia.
Decatur First Bank	Decatur	Georgia.
The Bank of Edison	Edison	Georgia.
Talbot State Bank	Fayetteville	Georgia.
Colony Bank	Fitzgerald	Georgia.
Community Banking Company of Fitzgerald	Fitzgerald	Georgia.
Farmers State Bank	Lumpkin	Georgia.
The Security State Bank	McRae	Georgia.
First Bank of Coastal Georgia	Pembroke	Georgia.
First Peoples Bank	Pine Mountain	Georgia.
Citizens Bank of Washington County	Sandersville	Georgia.
Bank of Hancock County	Sparta	Georgia.
Thomas County Federal S&L Association	Thomasville	Georgia.
Stephens Federal Bank	Toccoa	Georgia.
Bank of Dade	Trenton	Georgia.
Commercial Banking Company	Valdosta	Georgia.
Vidalia Federal Savings Bank	Vidalia	Georgia.
Darby Bank and Trust Company	Vidalia	Georgia.
Altamaha Bank and Trust Company	Vidalia	Georgia.
Bank of Dooly	Vienna	Georgia.
The Peoples Bank	Willacoohee	Georgia.
The Peoples Bank	Winder	Georgia.
Harford Bank	Aberdeen	Maryland.
Municipal Employees Credit Union of Baltimore	Baltimore	Maryland.
Fairmount Federal Savings Bank	Baltimore	Maryland.
Hopkins Federal Savings Bank	Baltimore	Maryland.
Chesapeake Bank of Maryland	Baltimore	Maryland.
Rosedale Federal Savings & Loan Association	Baltimore	Maryland.
Arundel Federal Savings Bank	Baltimore	Maryland.
Madison Square Federal Savings Bank	Baltimore	Maryland.
Marriott Employees Federal Credit Union	Bethesda	Maryland.
Chevy Chase Bank, F.S.B.	Bethesda	Maryland.
U.S. Postal Service Federal Credit Union	Clinton	Maryland.
Suburban Federal Savings Bank	Crofton	Maryland.

The Bank of Delmarva	Delmar	Maryland.
The Patapsco Bank	Dundalk	Maryland.
OBA Bank	Germantown	Maryland.
Library of Congress Federal Credit Union	Hyattsville	Maryland.
Community Bank of Tri-County	Waldorf	Maryland.
Woodsboro Bank	Woodsboro	Maryland.
Asheville Savings Bank	Asheville	North Carolina.
The Bank of Asheville	Asheville	North Carolina.
Crescent State Bank	Cary	North Carolina.
Charlotte Metro Credit Union	Charlotte	North Carolina.
First Trust Bank	Charlotte	North Carolina.
Cherryville Federal S&L Association	Cherryville	North Carolina.
First Federal Bank	Dunn	North Carolina.
North Carolina Community Federal Credit Union	Goldsboro	North Carolina.
First Federal Savings Bank	Lincolnton	North Carolina.
Mooresville Savings Bank, SSB	Mooresville	North Carolina.
Lumbee Guaranty Bank	Pembroke	North Carolina.
Paragon Commercial Bank	Raleigh	North Carolina.
Local Government Federal Credit Union	Raleigh	North Carolina.
Roanoke Valley Savings Bank, SSB	Roanoke Rapids	North Carolina.
Roxboro Savings Bank, SSB	Roxboro	North Carolina.
First South Bank	Washington	North Carolina.
WNC Community Credit Union	Waynesville	North Carolina.
Truliant Federal Credit Union	Winston-Salem	North Carolina.
Abbeville Savings and Loan Association	Abbeville	South Carolina.
The Conway National Bank	Conway	South Carolina.
First Piedmont FS&LA of Gaffney	Gaffney	South Carolina.
S.C. Telco Federal Credit Union	Greenville	South Carolina.
Citizens Building and Loan Association	Greer	South Carolina.
Mutual Savings Bank	Hartsville	South Carolina.
The Commercial Bank	Honea Path	South Carolina.
Founders Federal Credit Union	Lancaster	South Carolina.
First Community Bank, N.A	Lexington	South Carolina.
Pee Dee Federal Savings Bank	Marion	South Carolina.
South Carolina Federal Credit Union	North Charleston	South Carolina.
First Savers Bank	Pawleys Island	South Carolina.
Family Trust Federal Credit Union	Rock Hill	South Carolina.
Seneca National Bank	Seneca	South Carolina.
Oconee Federal Savings and Loan Association	Seneca	South Carolina.
Community First Bank	Walhalla	South Carolina.
First Federal of South Carolina, FSB	Walterboro	South Carolina.
Bank of Walterboro	Walterboro	South Carolina.
Citizens Bank and Trust Company	Blackstone	Virginia.
First Community Bank, N.A	Bluefield	Virginia.
Alliance Bank Corporation	Chantilly	Virginia.
Monarch Bank	Chesapeake	Virginia.
Acacia Federal Savings Bank	Falls Church	Virginia.
Virginia Savings Bank, F.S.B	Front Royal	Virginia.
Virginia Community Bank	Louisa	Virginia.
Martinsville First Savings Bank	Martinsville	Virginia.
Cardinal Bank	McLean	Virginia.
Community Bankers' Bank	Midlothian	Virginia.
TowneBank	Portsmouth	Virginia.
Millennium Bank, N.A	Reston	Virginia.
Partners Financial Federal Credit Union	Richmond	Virginia.
Shenandoah Life Insurance Company	Roanoke	Virginia.
Fort Belvoir Federal Credit Union	Woodbridge	Virginia.

Federal Home Loan Bank of Cincinnati—District 5

Home Federal Savings and Loan Association of Ashland	Ashland	Kentucky.
Kentucky Federal Savings and Loan Association	Covington	Kentucky.
The Casey County Bank	Liberty	Kentucky.
Louisville Community Development Bank	Louisville	Kentucky.
Home Savings Bank, fsb	Ludlow	Kentucky.
First Guaranty Bank	Martin	Kentucky.
Bank of Maysville	Maysville	Kentucky.
Hart County Bank and Trust Company	Munfordville	Kentucky.
The Farmers Bank	Nicholasville	Kentucky.
First Security Bank of Owensboro, Inc	Owensboro	Kentucky.
Independence Bank	Owensboro	Kentucky.
Owingsville Banking Company	Owingsville	Kentucky.
Family Bank, FSB	Paintsville	Kentucky.
Community Trust Bank, Inc	Pikeville	Kentucky.
Madison Bank	Richmond	Kentucky.
Citizens National Bank of Somerset	Somerset	Kentucky.

Cumberland Security Bank, Inc	Somerset	Kentucky.
Commercial Bank	West Liberty	Kentucky.
The Antwerp Exchange Bank Company	Antwerp	Ohio.
Hocking Valley Bank	Athens	Ohio.
Rockhold, Brown & Company Bank	Bainbridge	Ohio.
Citizens Federal Savings and Loan Association of Bellefontaine	Bellefontaine	Ohio
The Citizens Bank Company	Beverly	Ohio.
Mercer Savings Bank	Celina	Ohio.
The Cheviot Savings Bank	Cheviot	Ohio.
Cincinnati Police Federal Credit Union	Cincinnati	Ohio.
The North Side Bank and Trust Company	Cincinnati	Ohio.
Kemba Credit Union, Inc.	Cincinnati	Ohio.
Cincinnati Federal Savings and Loan Association	Cincinnati	Ohio.
PNC/NCB	Cleveland	Ohio.
AmTrust	Cleveland	Ohio.
Commerce National Bank	Columbus	Ohio.
The Home Loan Savings Bank	Coshocton	Ohio.
The Covington Savings and Loan Association	Covington	Ohio.
The Citizens Bank of DeGraff	De Graff	Ohio.
Midwest Community FCU	Defiance	Ohio.
First National Bank of Germantown	Germantown	Ohio.
Chaco Credit Union, Inc	Hamilton	Ohio.
The Hicksville Bank	Hicksville	Ohio.
The Citizens Bank of Higginsport	Higginsport	Ohio.
The Delaware County Bank & Trust Company	Lewis Center	Ohio.
The Home Builders Association	Lynchburg	Ohio.
The Bank of Magnolia Company	Magnolia	Ohio.
The Citizens Savings Bank	Martins Ferry	Ohio.
Peoples First SB	Mason	Ohio.
Western Reserve Bank	Medina	Ohio.
Bramble Savings Bank	Milford	Ohio.
The Commercial & Savings Bank of Millersburg	Millersburg	Ohio.
The First National Bank of Nelsonville	Nelsonville	Ohio.
Peoples National Bank	New Lexington	Ohio.
The First National Bank of Pandora	Pandora	Ohio.
Century Bank	Parma	Ohio.
Farmers Bank and Savings Company	Pomeroy	Ohio.
The St. Henry Bank	St. Henry	Ohio.
The Arlington Bank	Upper Arlington	Ohio.
The First Citizens National Bank of Upper Sandusky	Upper Sandusky	Ohio.
The Commercial Savings Bank	Upper Sandusky	Ohio.
The Versailles Savings and Loan Company	Versailles	Ohio.
First National Bank of Waverly	Waverly	Ohio.
Spring Valley Bank	Wyoming	Ohio.
The Home Savings and Loan Company of Youngstown Ohio	Youngstown,	Ohio.
Athens Federal Community Bank	Athens	Tennessee.
People's Bank and Trust Company of Pickett County	Byrdstown	Tennessee.
Bank of Camden	Camden	Tennessee.
Fort Campbell Federal Credit Union	Clarksville	Tennessee.
Legends Bank	Clarksville	Tennessee.
BankTennessee	Collierville	Tennessee.
Greenfield Banking Company	Greenfield	Tennessee.
First Peoples Bank of Tennessee	Jefferson City	Tennessee.
Lawrenceburg FS&LA	Lawrenceburg	Tennessee.
Community Bank	Lexington	Tennessee.
Union Bank & Trust Company	Livingston	Tennessee.
City of Memphis Credit Union	Memphis	Tennessee.
Farmers State Bank	Mountain City	Tennessee.
Citizens Savings Bank & Trust Company	Nashville	Tennessee.
The Tennessee Credit Union	Nashville	Tennessee.
The First National Bank of Oneida	Oneida	Tennessee.
First Trust & Savings Bank	Oneida	Tennessee.
Citizens Bank and Trust Company of Grainger County	Rutledge	Tennessee.
The Bank of Waynesboro	Waynesboro	Tennessee.

Federal Home Loan Bank of Indianapolis—District 6

Knisely Bank	Butler	Indiana.
The Elberfeld State Bank	Elberfeld	Indiana.
FORUM Credit Union	Fishers	Indiana.
Mutual Savings Bank	Franklin	Indiana.
First FS & LA of Hammond	Hammond	Indiana.
First Indiana Bank	Indianapolis	Indiana.
The Lafayette Life Insurance Company	Lafayette	Indiana.
Farmers State Bank	LaGrange	Indiana.
Linden State Bank	Linden	Indiana.

MFB Financial	Mishawaka	Indiana.
St. Joseph Capital Bank	Mishawaka	Indiana.
West End Bank, S.B	Richmond	Indiana.
Scott County State Bank	Scottsburg	Indiana.
Communitywide Federal Credit Union	South Bend	Indiana.
Indiana State University Federal Credit Union	Terre Haute	Indiana.
Steel Parts Federal Credit Union	Tipton	Indiana.
Purdue Employees Federal Credit Union	West Lafayette	Indiana.
United Communities National Bank	Winchester	Indiana.
TLC Community Credit Union	Adrian	Michigan.
Sunrise Family Credit Union	Bay City	Michigan.
Brighton Commerce Bank	Brighton	Michigan.
Macomb Community Bank	Clinton Township	Michigan.
DFCU Financial	Dearborn	Michigan.
Community Bank of Dearborn	Dearborn	Michigan.
First Independence Bank	Detroit	Michigan.
Communicating Arts Credit Union	Detroit	Michigan.
Michigan State University FCU	East Lansing	Michigan.
Northern Michigan Bank & Trust	Escanaba	Michigan.
Citizens Bank	Flint	Michigan.
Grand Haven Bank	Grand Haven	Michigan.
Northpointe Bank	Grand Rapids	Michigan.
Lake Michigan Credit Union	Grand Rapids	Michigan.
Mercantile Bank of Michigan	Grand Rapids	Michigan.
Greenville Community Bank	Greenville	Michigan.
Mainstreet Savings Bank, FSB	Hastings	Michigan.
The Bank of Holland	Holland	Michigan.
Honor State Bank	Honor	Michigan.
Ionia County National Bank of Ionia	Ionia	Michigan.
First National Bank and Trust Company of Iron Mountain	Iron Mountain	Michigan.
Mayville State Bank	Mayville	Michigan.
Wolverine Bank, FSB	Midland	Michigan.
Dow Chemical Employee Credit Union	Midland	Michigan.
Northland Area Federal Credit Union	Oscoda	Michigan.
The Port Austin State Bank	Port Austin	Michigan.
Portage Commerce Bank	Portage	Michigan.
Central Savings Bank	Sault Ste. Marie	Michigan.
Sturgis Bank & Trust Company	Sturgis	Michigan.
First Savings Bank, FSB	Three Rivers	Michigan.
Howmet Credit Union	Whitehall	Michigan.

Federal Home Loan Bank of Chicago—District 7

Citizens National Bank of Albion	Albion	Illinois.
Anna-Jonesboro National Bank	Anna	Illinois.
The First National Bank of Arcola	Arcola	Illinois.
Arcola Homestead Savings Bank	Arcola	Illinois.
The First National Bank of Arenzville	Arenzville	Illinois.
Ben Franklin Bank of Illinois	Arlington Heights	Illinois.
State Bank of Ashland	Ashland	Illinois.
Farmers State Bank of Astoria	Astoria	Illinois.
The Atlanta National Bank	Atlanta	Illinois.
Scott State Bank	Bethany	Illinois.
First State Bank of Bloomington	Bloomington	Illinois.
Midland Federal Savings and Loan Association	Bridgeview	Illinois.
First National Bank of Brookfield	Brookfield	Illinois.
Farmers and Merchants State Bank of Bushnell	Bushnell	Illinois.
Byron Bank	Byron	Illinois.
First State Bank of Campbell Hill	Campbell Hill	Illinois.
Carrollton Bank	Carrollton	Illinois.
State Bank of Cherry	Cherry	Illinois.
Bank of Chestnut	Chestnut	Illinois.
Chicago Patrolmens Federal Credit Union	Chicago	Illinois.
Royal Savings Bank	Chicago	Illinois.
American Metro Bank	Chicago	Illinois.
Loomis Federal Savings & Loan Association	Chicago	Illinois.
MB Financial Bank	Chicago	Illinois.
North Side Federal Savings and Loan Association of Chicago	Chicago	Illinois.
Seaway National Bank of Chicago	Chicago	Illinois.
Hoyne Savings Bank	Chicago	Illinois.
Central Federal Savings and Loan Association	Cicero	Illinois.
Second Federal Savings and Loan Association	Cicero	Illinois.
Central State Bank	Clayton	Illinois.
DeWitt Savings Bank	Clinton	Illinois.
First Collinsville Bank	Collinsville	Illinois.
First United Bank	Crete	Illinois.

Crystal Lake Bank & Trust Company, N.A	Crystal Lake	Illinois.
Soy Capital Bank & Trust Company	Decatur	Illinois.
Castle Bank, N.A	DeKalb	Illinois.
Downers Grove National Bank	Downers Grove	Illinois.
Erie State Bank	Erie	Illinois.
Community First Bank	Fairview Heights	Illinois.
Bank of Farmington	Farmington	Illinois.
First State Bank of Forrest	Forrest	Illinois.
Community State Bank	Galva	Illinois.
Gifford State Bank	Gifford	Illinois.
Harvard Savings Bank	Harvard	Illinois.
Mutual Bank	Harvey	Illinois.
Premier Bank of Jacksonville	Jacksonville	Illinois.
Joy State Bank	Joy	Illinois.
First Trust Bank of Illinois	Kankakee	Illinois.
First National Bank of LaGrange	LaGrange	Illinois.
Exchange State Bank	Lanark	Illinois.
Lemont National Bank	Lemont	Illinois.
State Bank of Lincoln	Lincoln	Illinois.
Prairie Community Bank	Marengo	Illinois.
A.J. Smith Federal Savings Bank	Midlothian	Illinois.
Southeast National Bank	Moline	Illinois.
Security Savings Bank	Monmouth	Illinois.
Farmers State Bank and Trust Company	Mt. Sterling	Illinois.
The First National Bank	Mulberry Grove	Illinois.
First County Bank	New Baden	Illinois.
Warren-Boynton State Bank	New Berlin	Illinois.
Peoples State Bank of Newton	Newton	Illinois.
Old Exchange National Bank	Okawville	Illinois.
First Personal Bank	Orland Park	Illinois.
Ottawa Savings Bank	Ottawa	Illinois.
Peoples Bank & Trust	Pana	Illinois.
State Bank of Paw Paw	Paw Paw	Illinois.
Farmers-Merchants National Bank of Paxton	Paxton	Illinois.
Better Banks	Peoria	Illinois.
The Heights Bank	Peoria Heights	Illinois.
Town & Country Bank of Quincy	Quincy	Illinois.
Community State Bank of Rock Falls	Rock Falls	Illinois.
Alpine Bank of Illinois	Rockford	Illinois.
Rushville State Bank	Rushville	Illinois.
AmericaUnited Bank and Trust Company USA	Schaumburg	Illinois.
American Chartered Bank	Schaumburg	Illinois.
State Bank of Speer	Speer	Illinois.
Illini Bank	Springfield	Illinois.
Tuscola National Bank	Tuscola	Illinois.
Baxter Credit Union	Vernon Hills	Illinois.
Petefish, Skiles and Company Bank	Virginia	Illinois.
First DuPage Bank	Westmont	Illinois.
Community Bank	Winslow	Illinois.
State Bank	Wonder Lake	Illinois.
Portage County Bank	Almond	Wisconsin.
Pioneer Bank	Auburndale	Wisconsin.
First Bank of Baldwin	Baldwin	Wisconsin.
Black River Country Bank	Black River Falls	Wisconsin.
Bonduel State Bank	Bonduel	Wisconsin.
Bank of Cashton	Cashton	Wisconsin.
Farmers & Merchants Union Bank	Columbus	Wisconsin.
Wisconsin Community Bank	Cottage Grove	Wisconsin.
Cumberland Federal Bank, FSB	Cumberland	Wisconsin.
Town Bank	Delafield	Wisconsin.
Cornerstone Community Bank	Grafton	Wisconsin.
Bay Bank	Green Bay	Wisconsin.
Highland State Bank	Highland	Wisconsin.
The Park Bank	Holmen	Wisconsin.
Security State Bank	Iron River	Wisconsin.
East Wisconsin Savings Bank, S.A	Kaukauna	Wisconsin.
Greenwood's State Bank	Lake Mills	Wisconsin.
Bank of Milton	Milton	Wisconsin.
Bank Mutual	Milwaukee	Wisconsin.
Securant Bank & Trust	Milwaukee	Wisconsin.
First National Bank—Fox Valley	Neenah	Wisconsin.
Mound City Bank	Platteville	Wisconsin.
Clare Bank, N.A.	Platteville	Wisconsin.
First National Bank of Platteville	Platteville	Wisconsin.
First National Bank of River Falls	River Falls	Wisconsin.
Intercity State Bank	Schofield	Wisconsin.

Community Bank & Trust	Sheboygan	Wisconsin.
Bank of Sun Prairie	Sun Prairie	Wisconsin.
The State Bank of Viroqua	Viroqua	Wisconsin.
Walworth State Bank	Walworth	Wisconsin.
First Federal Bank of Wisconsin	Waukesha	Wisconsin.
River Cities Bank	Wisconsin Rapids	Wisconsin.
KeySavings Bank	Wisconsin Rapids	Wisconsin.
Wood Trust Bank, NA	Wisconsin Rapids	Wisconsin.

Federal Home Loan Bank of Des Moines—District 8

Gateway Savings Bank	Ankeny	Iowa.
Landmands National Bank	Audubon	Iowa.
Community Bank of Boone	Boone	Iowa.
Commercial Savings Bank	Carroll	Iowa.
Iowa Savings Bank	Carroll	Iowa.
Page County State Bank	Clarinda	Iowa.
Linn County State Bank	Coggon	Iowa.
Farmers Savings Bank	Colesburg	Iowa.
Okey Vernon First National Bank	Corning	Iowa.
Corydon State Bank	Corydon	Iowa.
Fortress Bank of Cresco	Cresco	Iowa.
Alliant Credit Union	Dubuque	Iowa.
First National Bank in Fairfield	Fairfield	Iowa.
Farmers Savings Bank	Fostoria	Iowa.
Grinnell Mutual Reinsurance Company	Grinnell	Iowa.
Security State Bank	Hubbard	Iowa.
Security State Bank	Hubbard	Iowa.
Farmers State Bank	Jesup	Iowa.
First State Bank of Mapleton	Mapleton	Iowa.
Maxwell State Bank	Maxwell	Iowa.
Bridge Community Bank	Mechanicsville	Iowa.
State Bank and Trust Company	Nevada	Iowa.
New Vienna Savings Bank	New Vienna	Iowa.
First Newton National Bank	Newton	Iowa.
First State Bank	Nora Springs	Iowa.
The First National Bank, Oelwein	Oelwein	Iowa.
City State Bank	Ogden	Iowa.
American State Bank	Osceola	Iowa.
Panora State Bank	Panora	Iowa.
Marion County State Bank	Pella	Iowa.
Savings Bank	Primghar	Iowa.
Readlyn Savings Bank	Readlyn	Iowa.
Premier Bank	Rock Valley	Iowa.
Home State Bank	Royal	Iowa.
Iowa State Bank	Sac City	Iowa.
Sanborn Savings Bank	Sanborn	Iowa.
The State Bank	Spirit Lake	Iowa.
The State Bank of Toledo	Toledo	Iowa.
Farmers Savings Bank	Walford	Iowa.
Iowa State Bank	Wapello	Iowa.
State Bank and Trust Company	Waverly	Iowa.
First State Bank	Webster City	Iowa.
Freedom Financial Bank	West Des Moines	Iowa.
Union State Bank	Winterset	Iowa.
Farmers & Merchants State Bank	Winterset	Iowa.
First State Bank of Alexandria	Alexandria	Minnesota.
Altura State Bank	Altura	Minnesota.
First State Bank and Trust	Bayport	Minnesota.
First National Bank Bemidji	Bemidji	Minnesota.
American National Bank of Minnesota	Brainerd	Minnesota.
State Bank of Bricelyn	Bricelyn	Minnesota.
Farmers and Merchants State Bank	Clarkfield	Minnesota.
The First National Bank of Coleraine	Coleraine	Minnesota.
Farmers State Bank of Dent	Dent	Minnesota.
Northwestern Bank N.A	Dilworth	Minnesota.
Western National Bank	Duluth	Minnesota.
Fidelity Bank	Edina	Minnesota.
State Bank of Fairmont	Fairmont	Minnesota.
Franklin State Bank	Franklin	Minnesota.
Commerce Bank	Geneva	Minnesota.
First National Bank	Gilbert	Minnesota.
Eagle Bank	Glenwood	Minnesota.
Yellow Medicine County Bank	Granite Falls	Minnesota.
Marshall Bank National Association	Hallock	Minnesota.
1st American State Bank of Minnesota	Hancock	Minnesota.

First Southeast Bank	Harmony	Minnesota.
Farmers State Bank of Hartland	Hartland	Minnesota.
Merchant Bank, National Association	Hastings	Minnesota.
Exchange State Bank	Hills	Minnesota.
CornerStone State Bank	La Sueur	Minnesota.
First Community Bank Lester Prairie	Lester Prairie	Minnesota.
Center National Bank	Litchfield	Minnesota.
Northern Star Bank	Mankato	Minnesota.
First National Bank of Montgomery	Montgomery	Minnesota.
United Farmers & Merchants State Bank	Morris	Minnesota.
Lakewood Bank N.A.	Nisswa	Minnesota.
Citizens State Bank Norwood Young America	Norwood Young America.	Minnesota.
Washington County Bank	Oakdale	Minnesota.
Odin State Bank	Odin	Minnesota.
Prinsburg State Bank	Prinsburg	Minnesota.
Randall State Bank	Randall	Minnesota.
Woodland Bank	Remer	Minnesota.
Home Federal Savings Bank	Rochester	Minnesota.
North Star Bank	Roseville	Minnesota.
Unity Bank	Rush City	Minnesota.
First Community Bank	Savage	Minnesota.
First Community Bank Silver Lake	Silver Lake	Minnesota.
Park Midway Bank	St. Paul	Minnesota.
Integrity Plus Bank	Wabasso	Minnesota.
Citizens State Bank of Waverly, Inc	Waverly	Minnesota.
Community Bank Minnesota Valley	Wayzata	Minnesota.
Wells Federal Bank	Wells	Minnesota.
St. Paul Postal Employees Credit Union	Woodbury	Minnesota.
Worthington Federal Savings Bank f.s.b	Worthington	Minnesota.
First State Bank Southwest	Worthington	Minnesota.
First Missouri National Bank	Brookfield	Missouri.
BC National Banks	Butler	Missouri.
Community First Bank	Butler	Missouri.
Carroll County Savings and Loan Association	Carrollton	Missouri.
Investors National Bank	Chillicothe	Missouri.
Chillicothe State Bank	Chillicothe	Missouri.
Boone National Savings and Loan	Columbia	Missouri.
Concordia Bank	Concordia	Missouri.
Ozarks Federal Savings and Loan Association	Farmington	Missouri.
First State Community Bank	Farmington	Missouri.
Eagle Bank & Trust Company of Missouri	Festus	Missouri.
The Callaway Bank	Fulton	Missouri.
Northland National Bank	Gladstone	Missouri.
Bank Northwest	Hamilton	Missouri.
HNB National Bank	Hannibal	Missouri.
Peoples Savings Bank of Rhineland	Hermann	Missouri.
Bank of Iberia	Iberia	Missouri.
Generations Bank	Kansas City	Missouri.
Kennett National Bank	Kennett	Missouri.
Lamar Bank & Trust Company	Lamar	Missouri.
Central Bank	Lebanon	Missouri.
Summit Bank of Kansas City	Lee's Summit	Missouri.
Legends Bank	Linn	Missouri.
First National Bank	Malden	Missouri.
Wood & Huston Bank	Marshall	Missouri.
Community Bank of Marshall	Marshall	Missouri.
The First National Bank of Audrain County	Mexico	Missouri.
Peoples Bank of the Ozarks	Nixa	Missouri.
First Midwest Bank of the Ozarks	Piedmont	Missouri.
The State Bank	Richmond	Missouri.
Town & Country Bank	Salem	Missouri.
Farmers State Bank, S/B	Schell City	Missouri.
Third National Bank	Sedalia	Missouri.
Senath State Bank	Senath	Missouri.
The Community Bank of Shell Knob	Shell Knob	Missouri.
Old Missouri National Bank	Springfield	Missouri.
First State Bank of St. Charles	St. Charles	Missouri.
The PrivateBank	St. Louis	Missouri.
Midwest BankCentre	St. Louis	Missouri.
Bank of Thayer	Thayer	Missouri.
Quarry City Savings and Loan Association	Warrensburg	Missouri.
First State Bank of Cando	Cando	North Dakota.
Citizens State Bank—Midwest	Cavalier	North Dakota.
Union State Bank of Fargo	Fargo	North Dakota.
U.S. Bank, N.A	Fargo	North Dakota.

State Bank & Trust of Kenmare	Kenmare	North Dakota.
Farmers & Merchants State Bank	Langdon	North Dakota.
First Western Bank & Trust	Minot	North Dakota.
Lakeside State Bank	New Town	North Dakota.
McKenzie County Bank	Watford City	North Dakota.
BankStar Financial	Elkton	South Dakota.
Farmers State Bank	Flandreau	South Dakota.
First State Bank of Claremont	Groton	South Dakota.
Dakotaland Federal Credit Union	Huron	South Dakota.
BankFirst	Sioux Falls	South Dakota.
Home Federal Bank	Sioux Falls	South Dakota.
Great Western Bank	Sioux Falls	South Dakota.
First State Bank	Wilmot	South Dakota.
First National Bank South Dakota	Yankton	South Dakota.

Federal Home Loan Bank of Dallas—District 9

First Community Bank	Batesville	Arkansas.
Farmers Bank and Trust Company	Blytheville	Arkansas.
First State Bank	Conway	Arkansas.
River Town Bank	Dardanelle	Arkansas.
First Financial Bank	El Dorado	Arkansas.
First State Bank of Northwest Arkansas	Fayetteville	Arkansas.
Fordyce Bank & Trust Company	Fordyce	Arkansas.
Forrest City Bank, NA	Forrest City	Arkansas.
Benefit Bank	Ft. Smith	Arkansas.
Simmons First Bank of South Arkansas	Lake Village	Arkansas.
Southern State Bank	Malvern	Arkansas.
Allied Bank	Mulberry	Arkansas.
The First National Bank at Paris	Paris	Arkansas.
Delta Trust & Bank	Parkdale	Arkansas.
Pine Bluff National Bank	Pine Bluff	Arkansas.
Simmons First Bank of Northwest Arkansas	Rogers	Arkansas.
FNB of Stuttgart	Stuttgart	Arkansas.
Red River Bank	Alexandria	Louisiana.
E Federal Credit Union	Baton Rouge	Louisiana.
Bank of Coushatta	Coushatta	Louisiana.
St. Tammany Homestead Savings & Loan Association	Covington	Louisiana.
City Savings Bank & Trust Company	DeRidder	Louisiana.
Teche Federal Bank	Franklin	Louisiana.
Florida Parishes Bank	Hammond	Louisiana.
Coastal Commerce Bank	Houma	Louisiana.
Synergy Bank	Houma	Louisiana.
Guaranty Savings Bank	Metairie	Louisiana.
Mutual Savings and Loan Association	Metairie	Louisiana.
Eureka Homestead	Metairie	Louisiana.
Hibernia Homestead & Savings Association	New Orleans	Louisiana.
Peoples Bank & Trust Company of Pointe Coupee Parish, Inc	New Roads	Louisiana.
Homestead Bank	Ponchatoula	Louisiana.
American Gateway Bank	Port Allen	Louisiana.
Richland State Bank	Rayville	Louisiana.
Bank of Ringgold	Ringgold	Louisiana.
Ruston Building & Loan Association	Ruston	Louisiana.
First Louisiana Bank	Shreveport	Louisiana.
Bank of St. Francisville	St. Francisville	Louisiana.
The Bank of Commerce	White Castle	Louisiana.
Amory Federal Savings and Loan Association	Amory	Mississippi.
Spirit Bank	Belmont	Mississippi.
The Peoples Bank	Biloxi	Mississippi.
Bank of Brookhaven	Brookhaven	Mississippi.
The Cleveland State Bank	Cleveland	Mississippi.
Commerce National Bank	Corinth	Mississippi.
Bank of Holly Springs	Holly Springs	Mississippi.
Community Bank of Meridian	Meridian	Mississippi.
Britton & Koontz First National Bank	Natchez	Mississippi.
Sycamore Bank	Senatobia	Mississippi.
Mechanics Bank	Water Valley	Mississippi.
First National Bank of Alamogordo	Alamogordo	New Mexico.
International Bank	Raton	New Mexico.
Tucumcari Federal Savings & Loan Association	Tucumcari	New Mexico.
Reliance Standard Life Insurance Company of Texas	Philadelphia	Pennsylvania.
First State Bank	Athens	Texas.
Community Resource Credit Union	Baytown	Texas.
Fannin Bank	Bonham	Texas.
Texas Heritage Bank	Cross Plains	Texas.
Zavala County Bank	Crystal City	Texas.

PlainsCapital Bank	Dallas	Texas.
Credit Union of Texas	Dallas	Texas.
Dallas National Bank	Dallas	Texas.
Nex Bank, SSB	Dallas	Texas.
First United Bank	Dimmitt	Texas.
First National Bank	Dublin	Texas.
Union State Bank	Florence	Texas.
Fort Worth National Bank	Fort Worth	Texas.
OmniAmerican Bank	Fort Worth	Texas.
First State Bank	Frankston	Texas.
Texas Republic Bank, N.A	Frisco	Texas.
Community Bank	Granbury	Texas.
Hebbronville State Bank	Hebbronville	Texas.
Community National Bank	Hondo	Texas.
Central Bank	Houston	Texas.
MetroBank, N.A.	Houston	Texas.
Woodforest National Bank	Houston	Texas.
Southwestern National Bank	Houston	Texas.
Austin Bank	Jacksonville	Texas.
Texas State Bank	Joaquin	Texas.
First State Bank Texas	Keene	Texas.
First National Bank of Lake Jackson	Lake Jackson	Texas.
First Federal Savings & Loan Association	Littlefield	Texas.
Mason National Bank	Mason	Texas.
Inter National Bank	McAllen	Texas.
Western National Bank	Midland	Texas.
Mineola Community Bank S.S.B	Mineola	Texas.
City National Bank	Mineral Wells	Texas.
American National Bank	Mt. Pleasant	Texas.
Commercial Bank of Texas, N.A	Nacogdoches	Texas.
Security State Bank	Odessa	Texas.
Orange Savings Bank	Orange	Texas.
Lone Star National Bank	Pharr	Texas.
Beal Bank, SSB	Plano	Texas.
South Padre Bank, N.A	South Padre Island	Texas.
First Financial Bank, N.A	Southlake	Texas.
First National Bank of Trinity	Trinity	Texas.
Citizens State Bank	Tyler	Texas.
First National Bank of Bosque County	Valley Mills	Texas.
Extraco Banks, National Association	Waco	Texas.
Community Bank and Trust	Waco	Texas.
First National Bank of Central Texas	Waco	Texas.

Federal Home Loan Bank of Topeka—District 10

Citywide Banks	Aurora	Colorado.
Premier Members Federal Credit Union	Boulder	Colorado.
First National Bank, Cortez	Cortez	Colorado.
Del Norte Federal Bank	Del Norte	Colorado.
Rocky Mountain Law Enforcement Federal Credit Union	Denver	Colorado.
Colorado United Credit Union	Denver	Colorado.
Premier Bank	Denver	Colorado.
Bank of the San Juans	Durango	Colorado.
FirstBank of Evergreen	Evergreen	Colorado.
Fort Morgan State Bank	Fort Morgan	Colorado.
Points West Community Bank	Julesberg	Colorado.
Kit Carson State Bank	Kit Carson	Colorado.
The State Bank—La Junta	La Junta	Colorado.
Home State Bank	Loveland	Colorado.
First Colorado National Bank	Paonia	Colorado.
FirstBank of Parker	Parker	Colorado.
The First National Bank of Stratton	Stratton	Colorado.
Home Savings Bank	Chanute	Kansas.
Bank of Commerce	Chanute	Kansas.
Farmers & Merchants Bank of Colby	Colby	Kansas.
Legacy Bank	Colwich	Kansas.
The State Bank of Conway Springs	Conway Springs	Kansas.
Farmers & Drovers Bank	Council Grove	Kansas.
Citizens State Bank & Trust Company	Ellsworth	Kansas.
The State Bank of Kansas	Fredonia	Kansas.
Gardner National Bank	Gardner	Kansas.
Community Bank of the Midwest	Great Bend	Kansas.
The Halstead Bank	Halstead	Kansas.
Security Bank of Kansas City	Kansas City	Kansas.
Douglas County Bank	Lawrence	Kansas.
First National Bank and Trust Company of Leavenworth	Leavenworth	Kansas.

National Bank of Kansas City	Leawood	Kansas.
Lyons State Bank	Lyons	Kansas.
Farmers State Bank	McPherson	Kansas.
The Mission Bank	Mission	Kansas.
Mulvane State Bank	Mulvane	Kansas.
Farmers State Bank	Oakley	Kansas.
First National Bank of Olathe	Olathe	Kansas.
Valley View State Bank	Overland Park	Kansas.
Citizens State Bank	Paola	Kansas.
University National Bank	Pittsburg	Kansas.
Alliant Bank	Sedgwick	Kansas.
TriCentury Bank	Simpson	Kansas.
First Bank	Sterling	Kansas.
Valley State Bank	Syracuse	Kansas.
The Tampa State Bank	Tampa	Kansas.
Kaw Valley Bank	Topeka	Kansas.
Community National Bank	Topeka	Kansas.
INTRUST Bank, N.A.	Wichita	Kansas.
Chisholm Trail State Bank	Wichita	Kansas.
Bank of The Valley	Bellwood	Nebraska.
Bank of Bennington	Bennington	Nebraska.
Washington County Bank	Blair	Nebraska.
Custer Federal Savings and Loan Association	Broken Bow	Nebraska.
First Central Bank	Cambridge	Nebraska.
Citizens State Bank	Carleton	Nebraska.
Ceresco Bank	Ceresco	Nebraska.
First Bank and Trust Company	Cozad	Nebraska.
Jefferson County Bank	Daykin	Nebraska.
First National Bank in Exeter	Exeter	Nebraska.
Farnam Bank	Farnam	Nebraska.
American National Bank of Fremont	Fremont	Nebraska.
First State Bank & Trust Company	Fremont	Nebraska.
Gothenburg State Bank and Trust Company	Gothenburg	Nebraska.
Five Points Bank of Hastings	Hastings	Nebraska.
Henderson State Bank	Henderson	Nebraska.
Farmers State Bank	Maywood	Nebraska.
First Central Bank McCook, NA	McCook	Nebraska.
Farmers and Merchants Bank	Milligan	Nebraska.
Centennial Bank	Omaha	Nebraska.
First National Bank	Omaha	Nebraska.
The Potter State Bank of Potter	Potter	Nebraska.
Peoples-Webster City Bank	Red Cloud	Nebraska.
First State Bank	Shelton	Nebraska.
Sutton State Bank	Sutton	Nebraska.
First National Bank and Trust of Syracuse	Syracuse	Nebraska.
Citizens Bank of Ada	Ada	Oklahoma.
Stockmans Bank	Altus	Oklahoma.
First National Bank in Altus	Altus	Oklahoma.
The First National Bank and Trust Company of Broken Arrow	Broken Arrow	Oklahoma.
Farmers Exchange Bank	Cherokee	Oklahoma.
First National Bank and Trust Company	Chickasha	Oklahoma
1st Bank Oklahoma	Claremore	Oklahoma.
Kirkpatrick Bank	Edmond	Oklahoma.
Bank of Western Oklahoma	Elk City	Oklahoma.
Liberty Federal Savings Bank	Enid	Oklahoma.
Fairview Savings and Loan Association	Fairview	Oklahoma.
Oklahoma State Bank	Guthrie	Oklahoma.
City National Bank & Trust Company	Guymon	Oklahoma.
The Bank of Kremlin	Kremlin	Oklahoma.
Liberty National Bank—Lawton	Lawton	Oklahoma.
Exchange National Bank	Moore	Oklahoma.
The Morris State Bank	Morris	Oklahoma.
First Security Bank and Trust Company	Oklahoma City	Oklahoma.
Oklahoma Educators Credit Union	Oklahoma City	Oklahoma.
Citizens Bank of Oklahoma	Pawhuska	Oklahoma.
Osage Federal Bank	Pawhuska	Oklahoma.
Security Bank	Pawnee	Oklahoma.
Exchange Bank and Trust Company	Perry	Oklahoma.
Central National Bank of Poteau	Poteau	Oklahoma.
First Pryority Bank	Pryor	Oklahoma.
Peoples Bank & Trust Company	Ryan	Oklahoma.
InterBank	Sayre	Oklahoma.
Southwest State Bank	Sentinel	Oklahoma.
Advantage Bank	Spencer	Oklahoma.
Bank of Commerce	Stilwell	Oklahoma.
American Bank and Trust Company	Tulsa	Oklahoma.

Sooner State Bank	Tuttle	Oklahoma.
The Bank of Union	Union City	Oklahoma.
First State Bank	Valliant	Oklahoma.
First State Bank	Watonga	Oklahoma.
Peoples Bank	Westville	Oklahoma.
The Bank of Wyandotte	Wyandotte	Oklahoma.
Yukon National Bank	Yukon	Oklahoma.

Federal Home Loan Bank of San Francisco—District 11

Western Security Bank	Scottsdale	Arizona.
Los Angeles National Bank	Buena Park	California.
Burbank City Federal Credit Union	Burbank	California.
Pacific Trust Bank	Chula Vista	California.
Kaiser Federal Bank	Covina	California.
Financial Partners Credit Union	Downey	California.
Centennial Bank	Fountain Valley	California.
Murphy Bank	Fresno	California.
USC Federal Credit Union	Los Angeles	California.
Neighborhood National Bank	National City	California.
Heritage Oaks Bank	Paso Robles	California
1st Centennial Bank	Redlands	California.
Provident Credit Union	Redwood Shores	California.
Provident Savings Bank, S.B	Riverside	California.
Five Star Bank	Rocklin	California.
River City Bank	Sacramento	California.
First U.S. Community Credit Union	Sacramento	California.
San Diego National Bank	San Diego	California.
Pacific Coast Bankers' Bank	San Francisco	California.
Bank of the Orient	San Francisco	California.
Meriwest Credit Union	San Jose	California.
Tamalpais Bank	San Rafael	California.
Santa Cruz Community Credit Union	Santa Cruz	California.
Los Padres Bank	Solvang	California.
Sonoma Valley Bank	Sonoma	California.
Bank of Stockton	Stockton	California.
South Bay Bank, N.A	Torrance	California.
Universal Bank	West Covina	California.

Federal Home Loan Bank of Seattle—District 12

Credit Union 1	Anchorage	Alaska.
Citizens Security Bank (Guam), Inc	Agana	Guam.
FirstBank Northwest	Clarkston	Idaho.
Panhandle State Bank	Sand Point	Idaho.
First Citizens Bank of Billings	Billings	Montana.
First Citizens Bank of Butte	Butte	Montana.
Dutton State Bank	Dutton	Montana.
Valley Bank of Glasgow	Glasgow	Montana
1st Liberty Federal Credit Union	Great Falls	Montana.
Independence Bank	Havre	Montana.
Manhattan Bank	Manhattan	Montana.
Community Bank-Missoula, Inc	Missoula	Montana.
First Security Bank of Missoula	Missoula	Montana.
Community Bank, Inc	Ronan	Montana.
Basin State Bank	Stanford	Montana.
Evergreen FS&LA	Grants Pass	Oregon.
Bank of Eastern Oregon	Heppner	Oregon.
South Valley Bank and Trust	Klamath Falls	Oregon.
Bank of America Oregon, N.A	Portland	Oregon.
USU Charter Credit Union	Logan	Utah.
Franklin Templeton Bank & Trust, FSB	Salt Lake City	Utah.
American Marine Bank	Bainbridge Island	Washington.
Charter Bank	Bellevue	Washington.
Fife Commercial Bank	Fife	Washington.
Bank of Washington	Lynnwood	Washington.
Whidbey Island Bank	Oak Harbor	Washington.
Olympia FS&LA	Olympia	Washington.
TwinStar Credit Union	Olympia	Washington.
First FS & LA of Port Angeles	Port Angeles	Washington.
Washington Mutual Bank F.A	Seattle	Washington.
Seattle Savings Bank	Seattle	Washington.
Our Community Credit Union	Shelton	Washington.
Old Standard Life Insurance Company	Spokane	Washington.
Western United Life Assurance Co	Spokane Valley	Washington.
Riverview Community Bank	Vancouver	Washington.

Yakima FS&LA	Yakima	Washington.
One Bank of Star Valley	Afton	Wyoming.
Buffalo FSB	Buffalo	Wyoming.
Hilltop National Bank	Casper	Wyoming.
Tri-County Bank	Cheyenne	Wyoming.
Big Horn FSB	Greybull	Wyoming.
Oregon Trail Bank	Guernsey	Wyoming.
Rock Springs National Bank	Rock Springs	Wyoming.
Rocky Mountain Bank	Rock Springs	Wyoming.
Pinnacle Bank—Wyoming	Torrington	Wyoming.

II. Public Comments

To encourage the submission of public comments on the community support performance of Bank members, on or before February 27, 2009, each Bank will notify its Advisory Council and nonprofit housing developers, community groups, and other interested parties in its district of the members selected for community support review in the 2008–09 fourth quarter review cycle. 12 CFR 944.2(b)(2)(ii). In reviewing a member for community support compliance, FHFA will consider any public comments it has received concerning the member. 12 CFR 944.2(d). To ensure consideration by FHFA, comments concerning the community support performance of members selected for the 2008–09 fourth quarter review cycle must be delivered to FHFA on or before the March 27, 2009 deadline for submission of Community Support Statements.

Dated: February 6, 2009.

James B. Lockhart III,

Director, Federal Housing Finance Agency.

[FR Doc. E9–3057 Filed 2–11–09; 8:45 am]

BILLING CODE 8070–01–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 March 6, 2009.

A. Federal Reserve Bank of Kansas City (Todd Offerbacker, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Banner County Ban Corporation, Harrisburg, Nebraska; to acquire 100 percent of the voting shares of Cowboy State Bank, Ranchester, Wyoming.

Board of Governors of the Federal Reserve System, February 6, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc.E9–2920 Filed 2–11–09; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (''OMB'') for review, as required by the Paperwork Reduction Act (''PRA'') (44 U.S.C. 3501-3520). The FTC is seeking public comments on its proposal to extend through February 28, 2012, the current PRA clearances for information collection requirements contained in four product labeling rules enforced by the Commission. Those clearances expire on February 28, 2009.

DATES: Comments must be received by March 16, 2009.

ADDRESSES: Interested parties are invited to submit written comments electronically or in paper form. Comments should refer to ''Apparel Rules: FTC File No. P074201'' to facilitate the organization of comments. Please note that comments will be placed on the public record of this proceeding—including on the publicly accessible FTC website, at (*http://www.ftc.gov/os/publiccomments.shtm*) — and therefore should not include any sensitive or confidential information. In particular, comments should not include any sensitive personal information, such as an individual's Social Security Number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. Comments also should not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, comments should not include any ''[t]rade secrets and commercial or financial information obtained from a person and privileged or confidential. . . .,'' as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and Commission Rule 4.10(a)(2), 16 CFR 4.10(a)(2). Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c).[1]

Because paper mail addressed to the FTC is subject to delay due to heightened security screening, please consider submitting your comments in electronic form. Comments filed in electronic form should be submitted by using the following weblink: (*https://*

[1] FTC Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

secure.commentworks.com/ftc-apparelrulespra2) (and following the instructions on the web-based form). To ensure that the Commission considers an electronic comment, you must file it on the web-based form at the weblink: (*https://secure.commentworks.com/ftc-apparelrulespra2*). If this Notice appears at (*http://www.regulations.gov/search/index.jsp*), you may also file an electronic comment through that website. The Commission will consider all comments that regulations.gov forwards to it. You may also visit the FTC website at *http://www.ftc.gov*to read the Notice and the news release describing it.

A comment filed in paper form should include the ''Apparel Rules: FTC File No. P074201'' reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/ Office of the Secretary, Room H-135 (Annex J), 600 Pennsylvania Avenue, NW, Washington, DC 20580. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions.

Comments should additionally be submitted to: Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission. Comments should be submitted via facsimile to (202) 395-5167 because U.S. Postal Mail is subject to lengthy delays due to heightened security precautions.

The Federal Trade Commission Act (''FTC Act'') and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives, whether filed in paper or electronic form. Comments received will be available to the public on the FTC website, to the extent practicable, at (*http://www.ftc.gov/os/publiccomments.shtm*). As a matter of discretion, the Commission makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC website. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at (*http://www.ftc.gov/ftc/privacy.shtm*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements should be addressed to Connie Vecellio and Matthew Wilshire, Attorneys, Division of Enforcement, Bureau of Consumer Protection, 600 Pennsylvania Ave., N.W., Washington, D.C. 20580, (202) 326-2996.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act (''PRA''), 44 U.S.C. 3501-3520, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. On October 31, 2008, the FTC sought comment on the information collection requirements associated with the Commission's regulations under the Fur Act, 16 CFR Part 301 (OMB Control Number 3084-0099); regulations under the Wool Act, 16 CFR Part 300 (OMB Control Number 3084-0100); regulations under the Textile Act, 16 CFR Part 303 (OMB Control Number 3084-0101); and the Care Labeling Rule, 16 CFR 423 (OMB Control Number 3084-0103).[2] No comments were received. Pursuant to the OMB regulations that implement the PRA (5 CFR Part 1320), the FTC is providing this second opportunity for public comment while seeking OMB approval to extend the existing paperwork clearance for the rules. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before March 16, 2009.

Staff's burden estimates for the four rules in question are based on data from the Department of Commerce's Bureau of the Census, the International Trade Commission, the Department of Labor's Bureau of Labor Statistics (''BLS''), and data or other input from industry sources. The relevant information collection requirements within these rules and corresponding burden estimates follow.

1. Regulations under the Fur Products Labeling Act, 15 U.S.C. 69 et seq. (''Fur Act''), 16 CFR Part 301 (OMB Control Number: 3084-0099).

The Fur Act prohibits the misbranding and false advertising of fur products. The Fur Act Regulations, 16 CFR 301, establish disclosure requirements that assist consumers in making informed purchasing decisions, and recordkeeping requirements that assist the Commission in enforcing these regulations. The Regulations also provide a procedure for exemption from certain disclosure provisions under the Fur Act.

Estimated annual hours burden: 121,000 hours, rounded to the nearest thousand (50,414 hours for recordkeeping + 70,226 hours for disclosure).

Recordkeeping: The Regulations require that retailers, manufacturers, processors, and importers of furs and fur products keep certain records in addition to those they may keep in the ordinary course of business. Staff estimates that 1,150 retailers incur an average recordkeeping burden of about 13 hours per year (14,950 hours total); 82 manufacturers and fur processors combined incur an average recordkeeping burden of about 52 hours per year (4,264 total); and 1,200 importers of furs and fur products incur an average recordkeeping burden of 26 hours per year (31,200 hours total). The combined recordkeeping burden for the industry is approximately 50,414 hours annually.

Disclosure: Staff estimates that 1,220 respondents (70 manufacturers + 1,150 retail sellers of fur garments) each require an average of 20 hours per year to determine label content (24,400 hours total), and an average of five hours per year to draft and order labels (6,100 hours total). Staff estimates that the total number of garments subject to the fur labeling requirements annually is approximately 886,577.[3] Staff estimates that for approximately 50 percent of these garments (443,289) labels are attached manually, requiring approximately four minutes per garment for a total of 29,553 hours annually. For the remaining 443,288, the process of attaching labels is semi-automated and requires an average of approximately two seconds per item, for a total of 246 hours. Thus, the total burden for attaching labels is 29,799 hours, and the total burden for labeling garments is 60,299 hours per year (24,400 hours to determine label content + 6,100 hours to draft and order labels + 29,799 hours to attach labels).

Staff estimates that the incremental burden associated with the Regulations' invoice disclosure requirement, beyond the time that would be devoted to preparing invoices in its absence, is approximately 30 seconds per invoice.[4] The invoice disclosure requirement

[2] 73 FR 64948.

[3] The total number of fur garments, fur-trimmed garments, and fur accessories is estimated to be approximately 1,019,054, based on International Trade Commission data. Of that number, approximately 132,477 items are estimated to be exempt from the labeling requirements pursuant to 16 CFR 301.39 (items where either the cost of the fur trim to the manufacturer or the manufacturer's selling price for the finished product is less than $150 are exempt).

[4] The invoice disclosure burden for PRA purposes excludes the time that respondents would spend for invoicing, apart from the Fur Act Regulations, in the ordinary course of business. *See* 5 CFR 1320.3(b)(2).

applies to fur garments, which are generally sold individually, and fur pelts, which are generally sold in groups of at least 50, on average. Based on information from the International Trade Commission and the Fur Commission USA, staff estimates a total of 8,333,865 pelts annually. Assuming invoices are prepared for sales of 886,577 garments and 166,677 groups (derived from an estimated 8,333,865 million pelts ÷ 50) each of imported and domestic pelts, the invoice disclosure requirement entails an estimated total burden of 8,777 hours (1,053,254 total invoices x 30 seconds).

Staff estimates that the Regulations' advertising disclosure requirements impose an average burden of one hour per year for each of the approximately 1,150 domestic fur retailers, or a total of 1,150 hours.

Thus, staff estimates the total disclosure burden to be approximately 70,226 hours (60,299 hours for labeling + 8,777 hours for invoices + 1,150 hours for advertising).

Estimated annual cost burden: $1,911,000, rounded to the nearest thousand (solely relating to labor costs).

Task	Hourly Rate	Burden Hours	Labor Cost
Determine label content	$22.00	24,400	$536,800
Draft and order labels	$16.27	6,100	$99,247
Attach labels	$9.50 [5]	29,799	$283,091
Invoice disclosures	$16.27	8,777	$142,802
Prepare advertising disclosures	$25.00	1,150	$28,750
Recordkeeping	$16.27	50,414	$820,236
TOTAL			$1,910,926

[5] Per industry sources, most fur labeling is done in the United States. This rate is reflective of an average domestic hourly wage for such tasks, which is derived from recent BLS statistics. Conversely, attaching labels with regard to the other regulations discussed herein is mostly performed by foreign labor, as detailed in note 6.

Staff believes that there are no current start-up costs or other capital costs associated with the Regulations. Because the labeling of fur products has been an integral part of the manufacturing process for decades, manufacturers have in place the capital equipment necessary to comply with the Regulations' labeling requirements. Industry sources indicate that much of the information required by the Fur Act and its implementing Regulations would be included on the product label even absent the regulations. Similarly, invoicing, recordkeeping, and advertising disclosures are tasks performed in the ordinary course of business so that covered firms would incur no additional capital or other non-labor costs as a result of the Act or the Regulations.

2. Regulations under the Wool Products Labeling Act, 15 U.S.C. 68 et seq. ("Wool Act"), 16 CFR Part 300 (OMB Control Number: 3084-0100).

The Wool Act prohibits the misbranding of wool products. The Wool Act Regulations, 16 CFR 300, establish disclosure requirements that assist consumers in making informed purchasing decisions and recordkeeping requirements that assist the Commission in enforcing the Regulations.

Estimated annual hours burden: 440,000 hours, rounded to the nearest thousand (80,000 recordkeeping hours + 360,000 disclosure hours).

Recordkeeping: Staff estimates that approximately 4,000 wool firms are subject to the Regulations' recordkeeping requirements. Based on an average annual burden of 20 hours per firm, the total recordkeeping burden is 80,000 hours.

Disclosure: Approximately 8,000 wool firms, producing or importing about 600,000,000 wool products annually, are subject to the Regulations' disclosure requirements. Staff estimates the burden of determining label content to be 15 hours per year per respondent, or a total of 120,000 hours, and the burden of drafting and ordering labels to be 5 hours per respondent per year, or a total of 40,000 hours. Staff believes that the process of attaching labels is now fully automated and integrated into other production steps for about 40 percent of all affected products. For the remaining 360,000,000 items (60 percent of 600,000,000), the process is semi-automated and requires an average of approximately two seconds per item, for a total of 200,000 hours per year. Thus, the total estimated annual burden for all respondents is 360,000 hours (120,000 hours for determining label content + 40,000 hours to draft and order labels + 200,000 hours to attach labels). Staff believes that any additional burden associated with advertising disclosure requirements would be minimal (less than 10,000 hours) and can be subsumed within the burden estimates set forth above.

Estimated annual cost burden: $5,702,000, rounded to the nearest thousand (solely relating to labor costs).

Task	Hourly Rate	Burden Hours	Labor Cost
Determine label content	$22.00	120,000	$2,640,000
Draft and order labels	$16.27	40,000	$650,800
Attach labels	$5.55 [6]	200,000	$1,110,000
Recordkeeping	$16.27	80,000	$1,301,600
TOTAL			$5,702,400

[6] For products that are imported, this work generally is done in the country where they are manufactured. According to information compiled by an industry trade association using data from the International Trade Commission, the U.S. Customs Service, and the U.S. Census Bureau, approximately 95 % of apparel and other textile products used in the United States is imported. With the remaining 5 % attributable to U.S. production at an approximate domestic hourly wage of $9.50 to attach labels, staff has calculated a weighted average hourly wage of $5.55 per hour attributable to U.S. and foreign labor combined. The estimated percentage of imports supplied by particular countries is based on trade data for 2007 compiled by the Office of Textiles and Apparel, International Trade Administration, U.S. Department of Commerce. Wages in major textile exporting countries, factored into the above hourly wage estimate, were based on 2006 data from the U.S. Department of Labor, Bureau of International Labor Affairs. *See* "International Comparisons of Hourly Compensation Costs for Production Workers in Manufacturing," Table 1, available at: *http://www.bls.gov/fls/hcpwsupptabtoc.htm*.

Staff believes that there are no current start-up costs or other capital costs associated with the Regulations. Because the labeling of wool products has been an integral part of the manufacturing process for decades, manufacturers have in place the capital equipment necessary to comply with the Regulations. Based on knowledge of the industry, staff believes that much of the information required by the Wool Act and its implementing regulations would be included on the product label even absent their requirements. Similarly, recordkeeping and advertising disclosures are tasks performed in the ordinary course of business so that covered firms would incur no additional capital or other non-labor costs as a result of the Regulations.

3. Regulations under The Textile Fiber Products Identification Act, 15 U.S.C. 70 et seq. (''Textile Act''), 16 CFR Part 303 (OMB Control Number: 3084-0101).

The Textile Act prohibits the misbranding and false advertising of textile fiber products. The Textile Act Regulations, 16 CFR 303, establish disclosure requirements that assist consumers in making informed purchasing decisions, and recordkeeping requirements that assist the Commission in enforcing the Regulations. The Regulations also contain a petition procedure for requesting the establishment of generic names for textile fibers.

Estimated annual hours burden: approximately 8,456,000 hours, rounded to the nearest thousand (623,400 recordkeeping hours + 7,832,842 disclosure hours).

Recordkeeping: Staff estimates that approximately 24,936 textile firms are subject to the Textile Regulations' recordkeeping requirements. Based on an average burden of 25 hours per firm, the total recordkeeping burden is 623,400 hours.

Disclosure: Approximately 26,647 textile firms, producing or importing about 21.5 billion textile fiber products annually, are subject to the Regulations' disclosure requirements.[7] Staff estimates the burden of determining label content to be 20 hours per year per respondent, or a total of 532,940 hours and the burden of drafting and ordering labels to be 5 hours per respondent per year, or a total of 133,235 hours.[8] Staff believes that the process of attaching labels is now fully automated and integrated into other production steps for about 40 percent of all affected products. For the remaining 12.9 billion items (60 percent of 21.5 billion), the process is semi-automated and requires an average of approximately two seconds per item, for a total of 7,166,667 hours per year. Thus, the total estimated annual burden for all respondents is 7,832,842 hours (532,940 hours to determine label content + 133,235 hours to draft and order labels + 7,166,667 hours to attach labels).[9] Staff believes that any additional burden associated with advertising disclosure requirements or the filing of generic fiber name petitions would be minimal (less than 10,000 hours) and can be subsumed within the burden estimates set forth above.

Estimated annual cost burden: $63,810,000, rounded to the nearest thousand (solely relating to labor costs).

Task	Hourly Rate	Burden Hours	Labor Cost
Determine label content	$22.00	532,940	$11,724,680
Draft and order labels	$16.27	133,235	$2,167,733
Attach labels	$5.55 [10]	7,166,667	$39,775,002
Recordkeeping	$16.27	623,400	$10,142,718
TOTAL			$63,810,133

[10] *See* note 6.

Staff believes that there are no current start-up costs or other capital costs associated with the Regulations. Because the labeling of textile products has been an integral part of the manufacturing process for decades, manufacturers have in place the capital equipment necessary to comply with the Regulations' labeling requirements. Industry sources indicate that much of the information required by the Textile Act and its implementing rules would be included on the product label even absent their requirements. Similarly, recordkeeping, invoicing, and advertising disclosures are tasks performed in the ordinary course of business so that covered firms would incur no additional capital or other non-labor costs as a result of the Regulations.

4. The Care Labeling Rule, 16 CFR Part 423 (OMB Control Number: 3084-0103).

The Care Labeling Rule, 16 CFR Part 423, requires manufacturers and importers to attach a permanent care label to all covered textile clothing in order to assist consumers in making purchase decisions and in determining what method to use to clean their apparel. Also, manufacturers and importers of piece goods used to make textile clothing must provide the same care information on the end of each bolt or roll of fabric.

Estimated annual hours burden: 7,566,000 hours, rounded to the nearest thousand (solely relating to disclosure[11]).

Staff estimates that approximately 26,647 manufacturers or importers of textile apparel, producing about 20.1 billion textile garments annually, are subject to the Rule's disclosure requirements. The burden of developing proper care instructions may vary greatly among firms, primarily based on the number of different lines of textile

[7] The apparent consumption of garments in the U.S. in 2007 was 20.1 billion. Staff estimates that 1 billion garments are exempt from the Textile Act (*i.e.*, any kind of headwear and garments made from something other than a textile fiber product, such as leather) or are subject to a special exemption for hosiery products sold in packages where the label information is contained on the package. Based on available data, staff estimates that an additional 3 billion household textile products (non-garments, such as sheets, towels, blankets) were consumed. However, approximately 0.6 billion of all of these combined products (garments and non-garments) are subject to the Wool Products Labeling Act, not the Textile Fiber Products Identification Act, because they contain some amount of wool. Thus, the estimated net total products subject to the Textile Fiber Products Identification Act is 21.5 billion.

[8] In 2007, Congress amended the Wool Act to explicitly define ''cashmere'' and certain terms used to describe superfine wool (*e.g.*, ''Super 80s,'' ''Super 90s,'' etc.). *See* Pub. L. 109-428. The Commission anticipates revising the wool Regulations to incorporate these amendments. The Commission will seek comment on the increased burden, if any, imposed by these changes when it announces the revisions.

[9] The Commission revised the Textile Act Regulations in 2006 in response to amendments to the Textile Act. *See* 70 Fed. Reg. 73369 (Dec. 12, 2005). These amendments concerned the placement of labels on packages of certain types of socks and, therefore, do not place any additional disclosure burden on covered entities.

[11] The Care Labeling Rule imposes no specific recordkeeping requirements. Although the Rule requires manufacturers and importers to have reliable evidence to support the recommended care instructions, companies may provide as support current technical literature or rely on past experience.

garments introduced per year that require new or revised care instructions. Staff estimates the burden of determining care instructions to be 43 hours each year per respondent, for a cumulative total of 1,145,821 hours. Staff further estimates that the burden of drafting and ordering labels is 2 hours each year per respondent, for a total of 53,294 hours. Staff believes that the process of attaching labels is fully automated and integrated into other production steps for about 40 percent of the approximately 19.1 billion garments that are required to have care instructions on permanent labels.[12] For the remaining 11.46 billion items (60 percent of 19.1 billion), the process is semi-automated and requires an average of approximately two seconds per item, for a total of 6,366,667 hours per year. Thus, the total estimated annual burden for all respondents is 7,565,782 hours (1,145,821 hours to determine care instructions + 53,294 hours to draft and order labels + 6,366,667 hours to attach labels).

Estimated annual cost burden: $61,410,000[13] , rounded to the nearest thousand (solely relating to labor costs).

Task	Hourly Rate	Burden Hours	Labor Cost
Determine care instructions	$22.00	1,145,821	$25,208,062
Draft and order labels	$16.27	53,294	$867,093
Attach labels	$5.55 [14]	6,366,667	$35,335,002
TOTAL			$61,410,157

[14] *See* note 6.

Staff believes that there are no current start-up costs or other capital costs associated with the Rule. Because the labeling of textile products has been an integral part of the manufacturing process for decades, manufacturers have in place the capital equipment necessary to comply with the Rule's labeling requirements. Based on knowledge of the industry, staff believes that much of the information required by the Rule would be included on the product label even absent those requirements.

David C. Shonka,

Acting General Counsel.

[FR Doc. E9–3056 Filed 2–11–09: 8:45 am]

[Billing code: 6750–01–S]

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0281]

National Capital Region (NCR), Office of Childcare Services; Information Collection; General Services Administration (GSA) Child Care Specialist Feedback Form

AGENCY: NCR Office of Childcare Services, Public Buildings Service (PBS), GSA.

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the General Services Administration will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement. This information will be used to assess satisfaction with services delivered by staff from the Office of Child Care Services. The respondents are current users of the Office of Child Care Services. The OMB clearance currently expires on April 30, 2009.

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; and ways to enhance the quality, utility, and clarity of the information to be collected.

DATES: Submit comments on or before: April 13, 2009.

FOR FURTHER INFORMATION CONTACT: Leo G. Bonner, Regional Child Care Coordinator, Office of Child Care Services, at telephone (202) 401–7403 or via e-mail to *leo.bonner@gsa.gov*.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Regulatory Secretariat (VPR), General Services Administration, Room 4041, 1800 F Street, NW., Washington, DC 20405. Please cite OMB Control No. 3090–0281, General Services Administration (GSA) Child Care Specialist Feedback Form, in all correspondence.

SUPPLEMENTARY INFORMATION:

A. Purpose

This information will be used to assess consumer satisfaction with services delivered by staff from the Office of Child Care services.

B. Annual Reporting Burden

Respondents: 144.
Responses Per Respondent: 1.
Hours Per Response: .083 (5 minutes).
Total Burden Hours: 12.
OBTAINING COPIES OF PROPOSALS: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (VPR), 1800 F Street, NW., Room 4041, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 3090–0281, General Services Administration (GSA) Child Care Specialist Feedback Form, in all correspondence.

Dated: January 30, 2009.

Casey Coleman,

Chief Information Officer.

[FR Doc. E9–2945 Filed 2–11–09; 8:45 am]

BILLING CODE 6820–A4–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Advisory Committee on Minority Health

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science, Office of Minority Health.

ACTION: Notice: correction.

SUMMARY: The Department of Health and Human Services published a notice in the **Federal Register** of February 4, 2009 announcing a February 24, 2009 meeting of the Advisory Committee on Minority Health. It was announced that this meeting would be held at The Westin National Harbor, 171 Waterfront Street, Oxon Hill, MD. Due to unforseen

[12] About 1 billion of the 20.1 billion garments produced annually are either not covered by the Care Labeling Rule (gloves, hats, caps, and leather, fur, plastic, or leather garments) or are subject to an exemption that allows care instructions to appear on packaging (hosiery).

[13] We have corrected an error in this calculation that appeared in the prior 60-day Federal Register notice.

circumstances the location of the meeting has been changed.

FOR FURTHER INFORMATION CONTACT: Ms. Monica A. Baltimore, Tower Building, 1101 Wootton Parkway, Suite 600, Rockville, Maryland 20852. Phone: 240–453–2882 Fax: 240–453–2883.

Correction

In the **Federal Register** of February 4, 2009, Vol. 74, No. 22, on page 6041, in the 2nd column, correct the **ADDRESSES** caption to read:

The meeting will be held at The Gaylord National and Convention Center, Annapolis Rooms 1 & 2, 201 Waterfront Street (National Harbor), Oxon Hill, MD 20745.

Dated: February 9, 2009.

Mirtha R. Beadle,

Deputy Director, Office of Minority Health, Office of Public Health and Science, Office of the Secretary, U.S. Department of Health and Human Services.

[FR Doc. E9–3014 Filed 2–11–09; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Secretary's Advisory Committee on Human Research Protections

AGENCY: Department of Health and Human Services, Office of the Secretary.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a) of the Federal Advisory Committee Act, U.S.C. Appendix 2, notice is hereby given that the Secretary's Advisory Committee on Human Research Protections (SACHRP) will hold its nineteenth meeting. The meeting will be open to the public.

DATES: The meeting will be held on Tuesday, March 3, 2009 from 8:30 a.m. until 5 p.m. and Wednesday, March 4, 2009 from 8:30 a.m. until 5 p.m.

ADDRESSES: The Sheraton National Hotel, 900 South Orme Street, Arlington, Virginia 22204. Phone: 703–521–1900.

FOR FURTHER INFORMATION CONTACT: Jerry Menikoff, J.D., M.D., Director, Office for Human Research Protections (OHRP), or Julia Gorey, J.D., Executive Director, SACHRP; U.S. Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, Maryland 20852; 240–453–8141; fax: 240–453–6909; e-mail address: *sachrp@osophs.dhhs.gov*.

SUPPLEMENTARY INFORMATION: Under the authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, SACHRP was established to provide expert advice and recommendations to the Secretary of Health and Human Services and the Assistant Secretary for Health on issues and topics pertaining to or associated with the protection of human research subjects.

On March 3, 2009, SACHRP will receive and discuss a report from an internal task force charged with prioritizing SACHRP's existing recommendations to OHRP. The Committee will then hear a presentation of the recent National Academy of Sciences report entitled ''Health Research and the Privacy of Health Information—The HIPAA Privacy Rule,'' followed by a presentation of the Association of Academic Health Centers' recent survey on the impact of the HIPAA Privacy Rule on research. Lastly, SACHRP will hear a report from the Subpart A Subcommittee, which is charged with developing recommendations for consideration by SACHRP about the application of Subpart A of 45 CFR part 46 in the current research environment. This subcommittee was established by SACHRP at its October 4–5, 2004 meeting.

On March 4, 2009, the Committee will receive and discuss a report from the Subcommittee on Inclusion of Individuals with Impaired Decision-Making in Research. That subcommittee is charged with developing recommendations for consideration by SACHRP about whether guidance or additional regulations are needed for research involving individuals with impaired decision-making capacity. It was formed as a result of discussions during the July 31–August 1, 2006 SACHRP meeting. The day will conclude with a panel discussion addressing harmonization issues associated with the Common Rule and the FDA regulations.

Public attendance at the meeting is limited to space available. Individuals who plan to attend the meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the designated contact persons. Members of the public will have the opportunity to provide comments on both days of the meeting. Public comment will be limited to five minutes per speaker. Any members of the public who wish to have printed materials distributed to SACHRP members for this scheduled meeting should submit materials to the Executive Director, SACHRP, prior to the close of business Friday, February 27, 2009. Information about SACHRP and the draft meeting agenda will be posted on the SACHRP Web site at: *http://www.hhs.gov/ohrp/sachrp/index.html*.

Dated: February 6, 2009.

Jerry Menikoff,

Director, Office for Human Research Protections, Executive Secretary, Secretary's Advisory Committee on Human Research Protections.

[FR Doc. E9–3015 Filed 2–11–09; 8:45 am]

BILLING CODE 4150–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–09–08BF]

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

Evaluation Models to Assess Patient Perspectives on Opt-out HIV Testing in Clinical Settings—New—National Center for HIV, Viral Hepatitis, STD and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In 2006, CDC published the *Revised Recommendations for HIV Testing of Adults, Adolescents and Pregnant Women in Health Care Settings* which recommends routine, opt-out HIV testing to persons 13–64 years of age in health care settings. The goal of this project is to develop evaluation models for health care providers in a variety of settings to independently assess the effect that expanded HIV screening activities have on patient attitudes toward and acceptance of HIV testing.

The evaluation models will be packaged into a toolkit containing educational materials, administrative tools and a model questionnaire to measure patients' perceptions of their ability to decline testing, the sufficiency and effectiveness of methods used to

impart information prior to testing, and satisfaction with the testing process.

As part of the development of a model questionnaire for inclusion in the toolkit, three health care settings (a hospital emergency department, a private primary care practice and a public primary care practice) will be selected to pilot test the questionnaire. In each health care site, 150 patients will be asked to voluntarily complete a brief computer assisted self interview regarding their experience with the HIV testing process during their health care visit.

Collection of data will include information on patient demographics and current behaviors that may facilitate HIV transmission; perceptions regarding pressure to take the test; confidentiality and privacy during testing; and patient satisfaction and acceptance of opt-out HIV testing. For persons who refused HIV testing during their visit, information about refusal will be collected.

Results from the pilot will be assessed to understand issues of feasibility of the model questionnaire and validity of the included items and scales. The findings will be used to improve the questionnaire and protocols included in the evaluation models toolkit.

CDC is requesting approval for a 1-year clearance for data collection. CDC estimates that 188 patients will be asked to participate at each site and that 80% will accept, resulting in approximately 450 new survey respondents across all sites. The estimated average duration of the survey is 20 minutes. Participation is voluntary.

There is no cost to the respondents other than their time.

The total estimated annual burden hours are 150.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of form	Average number of respondents per annum	Average number of responses per respondent	Average burden per response (hours)
Clinic Patient Survey	450	1	20/60

Dated: February 4, 2009.

Maryam I. Daneshvar,

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

[FR Doc. E9–2973 Filed 2–11–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–09–09AS]

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 or send comments to Maryam I. Daneshvar, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS D–74, 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

Management Information System for Comprehensive Cancer Control Programs—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In 1994, the CDC, the American Cancer Society, the National Cancer Institute, the American College of Surgeons, the North American Association of Central Cancer Registries, and other public health leaders at the state and national levels began promoting a comprehensive approach to cancer control that would coordinate and integrate cancer prevention and control programs across specific cancer funding boundaries. In 1998, the CDC provided funding to Colorado, Massachusetts, Michigan, North Carolina, Texas, and the Northwest Portland Area Indian Health Board as a pilot to assist with implementation of their existing comprehensive cancer control plans. This pilot provided the foundation for the National Comprehensive Cancer Control Program (NCCCP), which has since grown from six programs to 65. Currently, all 50 states, the District of Columbia, seven tribes/tribal organizations, and seven territories/U.S. Pacific Island jurisdictions receive funding to implement cancer control plans.

Awards to individual applicants are made for a five-year budget period. All funded programs are required to submit continuation applications and semi-annual progress reports consistent with federal requirements that all agencies, in response to the Government Performance and Results Act of 1993, prepare performance plans and collect program-specific performance measures. These data items are listed in the Funding Opportunity Announcement. The data are collected on templates which serve as a guide, but do not standardize the information to be collected. This non-standardized approach to progress reporting results in comprehensive cancer control program reports that vary in content and detail. Because the data are stored as attachments rather than in a database, information cannot be sorted or aggregated electronically to produce summary reports.

CDC's Comprehensive Cancer Control Branch (CCCB), which manages the NCCCP, proposes to develop a database-driven Management Information System (MIS), which will achieve two objectives. First, the MIS will provide an organized source of information about the activities and accomplishments of all funded NCCCP programs. Secondly, the MIS will provide an efficient mechanism for generating state, regional, and national

level summary reports to monitor each program's progress in accomplishing goals, and achieving program evaluation and population-based outcomes.

OMB approval for the MIS will be requested for a three-year period. Data reported to CDC through the MIS will be used by CDC to identify training and technical assistance needs, monitor compliance with cooperative agreement requirements, evaluate progress made in achieving program-specific goals, and obtain information needed to respond to Congressional and other inquiries regarding program activities and effectiveness.

Data will be collected electronically twice per year. The burden per response is expected to decrease after respondents become experienced with entering data and the amount of new data to be entered decreases.

There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
NCCCP grantees	65	2	6	780

Dated: February 4, 2009.

Maryam I. Daneshvar,

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

[FR Doc. E9–2974 Filed 2–11–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development

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 Child Health and Human Development Initial Review Group, Reproduction, Andrology, and Gynecology Subcommittee.

Date: March 9, 2009.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Dennis Leszczynski, PhD, Scientific Review Administrator, Division Of Scientific Review, National Institute Of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892, (301) 435–2717, *leszczyd@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 5, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–2940 Filed 2–11–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; 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 Child Health and Human Development Initial Review Group, Pediatrics Subcommittee.

Date: March 19–20, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Legacy Hotel, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Rita Anand, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd Room 5B01, Bethesda, MD 20892, (301) 496–1487, *anandr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 5, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–2942 Filed 2–11–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Cancer Institute Director's Consumer Liaison Group.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Cancer Institute Director's Consumer Liaison Group.

Date: March 26–27, 2009.

Time: March 26, 2009, 8:30 a.m. to 4 p.m.

Agenda: (1) Approval of Minutes and Welcome; (2) Office of Advocacy Relations Update; (3) Advocates in Research Working Group Update and Discussion; (4) PCP Update and Discussion; (5) Approaches to

Engaging Advocates in Translational Research.

Place: Omni Austin Hotel Downtown, Omni Austin Hotel, 700 San Jacinto at 8th Street, Lonestar Room, Austin, TX 78701.

Time: March 26, 2009, 6 p.m. to 8 p.m.

Agenda: A public forum to discuss community priorities will be held in conjunction with the meeting at the same location.

Place: Omni Austin Hotel Downtown, Omni Austin Hotel, 700 San Jacinto at 8th Street, Lonestar Room, Austin, TX 78701.

Time: March 27, 2009, 8:30 a.m. to 4 p.m.

Agenda: (6) Discussion of Community Priorities; (7) Discussion of Innovative Advocate Involvement Strategies; (8) Roundtable Evaluation Discussion; (9) Cancer Prevention and Research Institute of Texas Presentation and Discussion; (10) NCI Director's Update; (11) Past Meeting Topic Follow Up; (12) Public Comment; (13) Action Items and Conclusion.

Place: Omni Austin Hotel Downtown, Omni Austin Hotel, 700 San Jacinto at 8th Street, Lonestar Room, Austin, TX 78701.

Contact Person: Benjamin Carollo, MPA, Advocacy Relations Manager, Office of Advocacy Relations, Building 31, Room 10A30, 31 Center Drive, MSC 2580, National Cancer Institute, NIH, DHHS, Bethesda, MD 20892–2580, 301–496–0307, *carollob@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *deainfo.nci.nih.gov/advisory/dclg/dclg.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 5, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–2955 Filed 2–11–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Bioassays Using Pluripotent Stem Cells.

Date: March 2, 2009.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Robert Blaine Moore, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7213, Bethesda, MD 20892, 301–594–8394, *mooreb@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Communication Systems for MRI Guided Surgery.

Date: March 5, 2009.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Robert Blaine Moore, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7213, Bethesda, MD 20892, 301–594–8394, *mooreb@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Nanoprobes for Detecting Atherosclerotic Plaques.

Date: March 10, 2009.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Robert Blaine Moore, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7213, Bethesda, MD 20892, 301–594–8394, *mooreb@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 5, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–2953 Filed 2–11–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; SBIR Topic 45—Iron Chelators to Treat Iron Overload.

Date: March 3, 2009.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: William J. Johnson, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892–7924, 301–435–0725, *johnsonwj@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; SBIR Topic 46—Multiplexed Assay Platforms for Protein Biomarkers of Cardiovascular Disease.

Date: March 6, 2009.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Youngsuk Oh, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7182, Bethesda, MD 20892–7924, 301–435–0277, *yoh@mail.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; SBIR Topic 48—Developing Novel Anticoagulants and Synthetic Heparins.

Date: March 12, 2009.
Time: 1:30 p.m. to 4 p.m.
Agenda: To review and evaluate contract proposals.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Tony L. Creazzo, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892–7924, 301–435–0725, *creazzot@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 5, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–2959 Filed 2–11–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Translation of Common Disease Genetics into Clinical Applications (R21).
Date: March 11–12, 2009.
Time: 7 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Washingtonian Center Courtyard, 204 Boardwalk Place, Gaithersburg, MD 20878.
Contact Person: Xiaodu Guo, MD, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes Of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Clinical Research Studies.
Date: March 27, 2009.
Time: 11 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Michael W. Edwards, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8886, *edwardsm@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 4, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–2840 Filed 2–11–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical 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 General Medical Sciences Special Emphasis Panel; ZGM1 MORE–1 BB.
Date: March 9, 2009.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.
Contact Person: Helen R. Sunshine, PhD, Chief, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building 45, Room 3AN12F, Bethesda, MD 20892, 301–594–2881, *sunshinh@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 5, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–2934 Filed 2–11–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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 Allergy and Infectious Diseases Special Emphasis Panel; Review of Immunology, Allergy & Asthma Training Grant Applications.
Date: March 26, 2009.
Time: 10 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).
Contact Person: Gary S. Madonna, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–496–2550.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 5, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–2938 Filed 2–11–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical 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 General Medical Sciences Initial Review Group; Biomedical Research and Research Training Review Subcommittee A.

Date: March 5, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Carole H. Latker, PhD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN18, Bethesda, MD 20892, (301) 594–2848, *latkerc@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 5, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–2943 Filed 2–11–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, PTSD Risk Assessment Tools.

Date: March 9, 2009.

Time: 12 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Serena P. Chu, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6154, MSC 9609, Rockville, MD 20892, 301–443–0004, *sechu@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Comparative Interdisciplinary Studies of Cerebral Cortical Development.

Date: March 18, 2009.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.

Contact Person: Megan Libbey, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6148, MSC 9609, Rockville, MD 20852, 301–402–6807, *libbeym@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel, EUREKA NIMH, NINDS, NIDA REVIEW.

Date: April 2, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Westin Embassy Row, 2100 Massachusetts Ave., NW., Washington, DC 20008.

Contact Person: Megan Libbey, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6148, MSC 9609, Rockville, MD 20852, 301–402–6807, *libbeym@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 5, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–2956 Filed 2–11–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Recombinant DNA Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Recombinant DNA Advisory Committee.

Date: March 3–4, 2009.

Time: March 3, 2009, 8:30 a.m. to 5:30 p.m.

Agenda: The Recombinant DNA Advisory Committee will review and discuss selected human gene transfer protocols as well as related data management activities. The meeting also includes a new protocol for X–SCID. Please check the meeting agenda at *http://www4.od.nih.gov/oba/RAC/meeting.htm* for more information.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Conference Room C, Rockville, MD 20852.

Time: March 4, 2009, 8:30 a.m. to 1 p.m.

Agenda: The Recombinant DNA Advisory Committee will review and discuss selected human gene transfer protocols as well as a discussion of biosafety containment and practices for recombinant work with non-contemporary strains of influenza and highly pathogenic avian influenza strain H5N1. Please check the meeting agenda at *http://www4.od.nih.gov/oba/RAC/meeting.htm* for more information.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Conference Room C, Rockville, MD 20852.

Contact Person: Lisa A. Parker, Advisory Committee Coordinator, Office of Science Policy, Office of Biotechnology Activities, National Institutes of Health, 6705 Rockledge Drive, Suite 750–A1, Bethesda, MD 20892, 301–496–9838, *parkerla@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http:// www4.od.nih.gov/oba/*, where an agenda and any additional information for the meeting will be posted when available.

OMB's ''Mandatory Information Requirements for Federal Assistance Program Announcements'' (45 FR 39592, June 11, 1980) requires a statement concerning the official government programs contained in the Catalog of Federal Domestic Assistance. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers virtually every NIH and Federal research program in which DNA recombinant molecule techniques could be used, it has been determined not to be cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: February 5, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–2939 Filed 2–11–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

United States Immigration and Customs Enforcement

Agency Information Collection Activities: New Information Collection; Comment Request

ACTION: 60-Day Notice of New Information Collection; Form I–395, Affidavit in Lieu of Lost Receipt of Immigration and Customs Enforcement for Collateral Accepted as Security.

The Department of Homeland Security, U.S. Immigration and Customs Enforcement (USICE), has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until April 13, 2009.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), Joseph M. Gerhart, Chief, Records Management Branch, U.S. Immigration and Customs Enforcement, 500 12th Street, SW., Room 3138, Washington, DC 20024; (202) 732–6337.

Comments are encouraged and will be accepted for sixty days until April 13, 2009. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) 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;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) 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:* New information collection.

(2) *Title of the Form/Collection:* Affidavit in Lieu of Lost Receipt of Immigration and Customs Enforcement for Collateral Accepted as Security.

(3) *Agency Form Number, If Any, and the Applicable Component of the Department of Homeland Security Sponsoring the Collection:* Form I–395, U.S. Immigration and Customs Enforcement.

(4) *Affected Public Who Will Be Asked or Required to Respond, as Well as a Brief Abstract:* Primary: Individual or Households. When an individual posts an Immigration Bond in the form of cash, cashiers check, certified check or money order, he or she is issued a Receipt of Immigration Officer—U.S. Bonds or Cash, Accepted as Security on Immigration Bond (Form I–305). If the I–305 is lost the individual is permitted to complete the I–395 stating the reason for the loss of the original I–305.

(5) *An Estimate of the Total Number of Respondents and the Amount of Time Estimated for an Average Respondent to Respond:* 12,500 responses at 30 minutes (.50 hours) per response.

(6) *An Estimate of the Total Public Burden (in Hours) Associated with the Collection:* 6,250 annual burden hours.

Comments and/or questions; requests for a copy of the proposed information collection instrument, with instructions; or inquiries for additional information should be directed to: Joseph M. Gerhart, Chief, Records Management Branch, U.S. Immigration and Customs Enforcement, 500 12th Street, SW., Room 3138, Washington, DC 20024; (202) 732–6337.

Dated: February 9, 2009.

Joseph M. Gerhart,

Chief, Records Management Branch, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

[FR Doc. E9–2984 Filed 2–11–09; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

United States Immigration and Customs Enforcement

Agency Information Collection Activities: New Information Collection; Comment Request

ACTION: 60-Day Notice of New Information Collection; Form I–312, Designation of Attorney in Fact.

The Department of Homeland Security, U.S. Immigration and Customs Enforcement (USICE), has submitted the

following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until April 13, 2009.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), Joseph M. Gerhart, Chief, Records Management Branch, U.S. Immigration and Customs Enforcement, 500 12th Street, SW., Room 3138, Washington, DC 20024; (202) 732–6337.

Comments are encouraged and will be accepted for sixty days until April 13, 2009. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) 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;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) 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:* New information collection.

(2) *Title of the Form/Collection:* Designation of Attorney in Fact.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–312, U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individual or Households. The I–312 is the instrument the U.S. Immigration and Customs Enforcement (ICE) uses to provide immigration bond obligors a means to designate an Attorney to accept on the Obligor's behalf, the return of cash or United States bonds or notes deposited to secure an immigration bond upon the cancellation of the bond or the performance of the Obligor.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 12,500 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 6,250 annual burden hours.

Comments and/or questions; requests for a copy of the proposed information collection instrument, with instructions; or inquiries for additional information should be directed to: Joseph M. Gerhart, Chief, Records Management Branch, U.S. Immigration and Customs Enforcement, 500 12th Street, SW., Room 3138, Washington, DC 20024; (202) 732–6337.

Dated: February 9, 2009.

Joseph M. Gerhart,

Chief, Records Management Branch, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

[FR Doc. E9–3082 Filed 2–11–09; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2009–N0002;30120–1113–0000–F6]

Endangered and Threatened Wildlife and Plants; Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of permit applications; request for comments.

SUMMARY: The following applicants have applied for permits to conduct certain activities with endangered species.

DATES: We must receive written comments on or before March 16, 2009.

ADDRESSES: Send written comments to the Regional Director, Attn: Peter Fasbender, U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, MN 55111–4056; electronic mail, *permitsR3ES@fws.gov*.

FOR FURTHER INFORMATION CONTACT: Peter Fasbender (612) 713–5343.

SUPPLEMENTARY INFORMATION:

Endangered Species

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), with some exceptions, prohibits activities affecting endangered species unless authorized by a permit from the Fish and Wildlife Service. Before issuing a permit, we invite public comment on it. Accordingly, we invite public comment on the following applicants' permit applications for certain activities with endangered species authorized by section 10(a)(1)(A) of the Act and the regulations governing the taking of endangered species (50 CFR 17). Submit your written data, comments, or request for a copy of the complete application to the address shown in **ADDRESSES**.

Permit Number: TE113009

Applicant: Steven A. Ahlstedt, Norris, Tennessee.

The applicant requests renewal and amendment of his permit to take White Cat's Paw (*Epioblasma sulcata perobliqua*) and Purple Cat's Paw (*Epioblasma obliquata obliquata*) pearlymussel within the States of Ohio and Indiana. Amendment is requested to add the geographic area of Indiana in conjunction with renewal of the permit term. Proposed activities are to carry out presence/absence surveys, assess habitat characteristics, collect and translocate specimens, and to participate in otherwise legal reintroduction efforts aimed at enhancement of survival of the species in the wild.

Permit Number: TE105320.

Applicant: Tragus Environmental Consulting, Inc., Akron, Ohio.

The applicant requests a permit renewal and minor amendment to take Indiana bats (*Myotis sodalis*) and Gray bats (*Myotis grisescens*) throughout the States of Oklahoma, Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Alabama, Arkansas, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Maryland, New Jersey, New York, Pennsylvania, Vermont, Virginia, and West Virginia. The activities proposed involve capture using mist nets and bat traps, handling, tagging, tissue sampling, and release. A minor amendment has been requested to identify additional qualified individuals to work under the authority of this permit. Data obtained under this permit will be used to assist with development of project design features aimed at enhancement of survival of the species in the wild.

Permit Number TE049738

Applicant: Third Rock Consultants, Lexington, Kentucky.

The applicant requests a renewal and minor amendment to a permit to take Indiana bats (*Myotis sodalis*), Gray bats (*Myotis grisescens*), Virginia big eared

bats (*Corynorhinus townscendii virginiaus*), and Ozark big eared bats (*Corynorhinus townscendii ingens*). The renewal request also includes endangered mussels, fish, and the American burying beetle (*Nicrophorus americanus*). The applicant's projects are in the States of Alabama, Florida, Georgia, Iowa, Illinois, Indiana, Kentucky, Michigan, Missouri, Mississippi, North Carolina, Ohio, South Carolina, and Tennessee. Ongoing studies that are proposed to continue under this permit include presence/absence surveys, studies to document habitat use, population monitoring, and the evaluation of potential impacts of proposed projects. Activities are proposed for enhancement of the survival of the species in the wild.

Permit Number TE809227

Applicant: BHE Environmental, Cincinnati, Ohio.

The applicant requests renewal and amendment of a permit to take Indiana bats (*Myotis sodalis*), Gray bats (*Myotis grisescens*), and fish and mussel species throughout the ranges of the species within Regions 2–6 of the U.S. Fish and Wildlife Service. The ongoing studies that are proposed under this permit include presence/absence surveys, studies to document habitat use, population monitoring, and evaluation of potential impacts of proposed projects. Activities are proposed for enhancement of the survival of the species in the wild.

Permit Number TE831774

Applicant: U.S. Geological Survey, St. Paul, Minnesota.

The applicant requests a permit renewal to take gray wolf (*Canis lupis*) throughout the continental United States. Proposed activities include capture, immobilization, radio tracking, implantation of isotopes, health assessment, and salvage of dead specimens. The long-term scientific research allowed under this permit is aimed at enhancement of recovery and survival of the species in the wild.

Permit Number TE106220

Applicant: Brianne L. Walters, Terre Haute, Indiana.

The applicant requests a permit renewal to take Indiana bats (*Myotis sodalis*) and Gray bats (*Myotis grisescens*) within the States of Indiana, Illinois, and Ohio. The ongoing studies that are proposed under this permit include presence/absence surveys, studies to document habitat use, population monitoring, and evaluation of potential impacts of proposed projects. Activities are proposed to enhance the survival of the species in the wild.

Permit Number TE839763

Applicant: John O. Whitaker, Indiana State University, Terre Haute, Indiana.

The applicant requests a permit renewal to take Indiana bats (*Myotis sodalis*) and Gray bats (*Myotis grisescens*) throughout the range of the species. Ongoing studies include presence/absence surveys, studies to document habitat use, population monitoring, health assessment, and evaluation of project impacts. The applicant seeks to continue ongoing scientific research aimed at recovery and enhancement of the survival of the species in the wild.

Permit Number 809630

Applicant: Dr. Allen Kurta, Eastern Michigan University, Ypsilanti, Michigan.

The applicant requests a permit renewal to take Indiana bats (*Myotis sodalis*) throughout Michigan, Illinois, Indiana, and Ohio. Ongoing studies include presence/absence surveys, studies to document habitat use, population monitoring, health assessment, and evaluation of project impacts. The applicant seeks to continue ongoing scientific research aimed at recovery and enhancement of the survival of the species in the wild.

Permit Number TE839777

Applicant: Don R. Helms, Bellevue, Iowa.

The applicant requests a permit renewal to take (capture and release) Clubshell (*Pleurobema clava*), Northern riffleshell (*Epioblasma torulosa rangiana*), Orange-footed pimpleback pearlymussel (*Plethobasus cooperianus*), Pink mucket pearlymussel (*Lampsilis orbiculata*), Rough pigtoe (*Pleurobema plenum*), Purple cat's paw pearlymussel (*Epioblasma obliquata obliquata*), White cat's paw pearlymussel (*Epioblasma obliquata perobliqua*), Fanshell (*Cyporgenia stegaria*), Fat pocketbook (*Potamilus capax*), Higgins' eye pearlymussel (*Lampsilis higginsi*), Winged mapleleaf (*Quadrula fragosa*), Scaleshell (*Leptodea leptodon*), and Topeka shiner (*Notropis topeka*). Proposed activities include presence/absence surveys, relocation of specimens to avoid harm, and studies to document habitat use and population health. Proposed activities are aimed at enhancement of the survival of the species in the wild.

Public Comments

We solicit public review and comments on these permit applications. Please refer to the permit number when you submit comments. Comments and materials we receive are available for public inspection, by appointment, during normal business hours at the address shown in the **ADDRESSES** section. 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.

National Environmental Policy Act (NEPA)

In compliance with NEPA (42 U.S.C. 4321 *et seq.*), we have made an initial determination that the activities proposed in these permits are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement (516 DM6 Appendix 1, 1.4C(1)).

Dated: February 5, 2009.

Lynn M. Lewis,

Assistant Regional Director, Ecological Services, Region 3.

[FR Doc. E9–2982 Filed 2–11–09; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNML0300000 L12200000.BY0000]

Notice of Temporary Vehicle Closure and Restrictions for the Robledo Mountains Off-Highway Vehicle Trails During the 2009 Chili Challenge; Las Cruces District Office, NM

AGENCY: Bureau of Land Management (BLM) Interior.

ACTION: Notice of temporary vehicle closure and restrictions.

SUMMARY: This Notice informs the public that the Las Cruces Four-Wheel Drive Club is permitted exclusive use of the Robledo Mountains Off-Highway Vehicle Trails for the 2009 Chili Challenge extreme off road event. The Robledo Mountains Off-Highway Vehicle Trails will be closed to all vehicles not registered with the Las Cruces Four-Wheel Drive Club for the Chili Challenge. This restriction is

necessary to ensure public safety and to avoid potential user conflicts during this authorized event. The 2009 Chili Challenge was analyzed in environmental assessment and finding of no significant impact NM–030–2008–095.

The Robledo Mountain Off-Highway Vehicle Trails are located within public land under BLM administrative jurisdiction in T. 21 S., R 1 E., S. 6, 19, 20, 29, 30, 31 and T. 22S, R. 1 W., S. 1, 2, 23, 24, 25, 26, 35, 36 (USGS Picacho Mountain, Las Cruces, Leasburg), Dona Ana County, New Mexico.

Maps showing the location of the Robledo Mountains Off-Highway Vehicle Trails are available upon request from the BLM Las Cruces District Office.

Exceptions: The use of motorized vehicles for emergency and law enforcement purposes, or for official duties, or as otherwise authorized by the BLM are exempt from these restrictions.

DATES: This authorization is effective from Friday February 20–Sunday February 22, 2009.

FOR FURTHER INFORMATION CONTACT: John V. Thacker, BLM Outdoor Recreation Planner, 1800 Marquess Street, Las Cruces, New Mexico 88005, 575–525–4306.

SUPPLEMENTARY INFORMATION: The authority for this Notice may be found at 43 CFR 8364.1. Restricting motorized use of these routes would lessen user conflict and provide for a more enjoyable experience during the annual Chili Challenge for those motorized users holding a Special Recreation Permit.

Enforcement actions will be taken as necessary in accordance with 43 CFR 8360.0–7 and 18 U.S.C. 3571. Violations may be punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

Bill Childress,

District Manager.

[FR Doc. E9–2971 Filed 2–11–09; 8:45 am]

BILLING CODE 4310–VC–P

DEPARTMENT OF JUSTICE

Notice of Lodging of an Amendment to Consent Decree Pursuant to the Clean Water Act

Notice is hereby given that a proposed First Amendment to the Consent Decree entered on February 11, 2005 in *United States of America et al.* v. *Knoxville Utilities Board*, Nos. 3:03–CV–497 and 3:04–CV–568, was lodged on February 5, 2009, with the United States District Court for the Eastern District of Tennessee, Northern Division.

The Consent Decree entered on February 11, 2005 resolved the claims of the United States of America, the State of Tennessee, the Tennessee Clean Water Network and the City of Knoxville against the Knoxville Utilities Board (KUB) for violations of the Clean Water Act and four National Pollutant Discharge Elimination System permits. The purpose of the proposed First Amendment is to allow KUB to complete a portion of the Composite Correction Plan (CCP), required pursuant to Section VII.D.1(a)(v) of the Consent Decree, beyond the Consent Decree deadline of December 31, 2016.

Pursuant to the proposed First Amendment, KUB's CCP will provide for a biologically enhanced high-rate clarification (BEHRC) secondary treatment system to be installed at the Fourth Creek treatment plant by June 30, 2018, and at the Kuwahee treatment plant by June 30, 2021.

The Department of Justice will receive comments relating to the First Amendment 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 et al.* v. *Knoxville Utilities Board*, DJ No. 90–5–1–1–08186.

The proposed First Amendment to the Consent Decree may be examined at the office of the United States Attorney for the Eastern District of Tennessee, 800 Market Street, Suite 211, Knoxville, TN 37902, and at the Region 4 Office of the Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA 30303. During the public comment period, the First Amendment may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html*. A copy of the First Amendment 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 $4.00 (25 cents per page reproduction cost) payable to the U.S. Treasury. The check should refer to *United States et al.* v. *Knoxville Utilities Board*, DJ No. 90–5–1–1–08186.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E9–3019 Filed 2–11–09; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0036]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: FFL Out-of-Business Records Request.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), 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. Comments are encouraged and will be accepted for ''sixty days'' until April 13, 2009. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Pat Power, Chief, Federal Firearms Licensing Center, 244 Needy Road, Martinsburg, WV 25405.

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 proposed 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:* FFL Out-of-Business Records Request.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 5300.3A. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None. Firearms licensees are required to keep records of acquisition and disposition. These records remain with the licensee as long as he is in business. The ATF F 5300.3A, FFL Out-of-Business Records Request is used by ATF to notify licensees who go out of business. When discontinuance of the business is absolute, such records shall be delivered within thirty days following the business discontinuance to the ATF Out-of-Business Records Center.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 28,000 respondents will complete a 5-minute form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 2,324 annual total burden hours associated with this collection.

If additional information is required, contact: Lynn Bryant, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20530.

Dated: February 6, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E9–2907 Filed 2–11–09; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0061]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: Certificate of Compliance With 18 U.S.C. 922(g)(5)(B).

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), 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. Comments are encouraged and will be accepted for ''sixty days'' until April 13, 2009. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Pat Power, Chief, Federal Firearms Licensing Center, 244 Needy Road, Martinsburg, WV 25405.

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 proposed 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 agencies 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:* Certificate of Compliance With 18 U.S.C. 922(g)(5)(B).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 5330.20. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None. The law of 18 U.S.C. 922(g)(5)(B) makes it unlawful for any nonimmigrant alien to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has shipped or transported in interstate or foreign commerce. ATF F 5330.20 is for the purpose of ensuring that nonimmigrant aliens certify their compliance according to the law at 18 U.S.C. 922(g)(5)(B).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 3,000 respondents will complete a 3 minute form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 150 annual total burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: February 6, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E9–2909 Filed 2–11–09; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

February 2, 2009.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995

(Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Mary Beth Smith-Toomey on 202–693–4223 (this is not a toll-free number)/fnl;e-mail: *DOL_PRA_PUBLIC@dol.gov*.

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor—ETA, Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–6974 (these are not toll-free numbers), E-mail: *OIRA_submission@omb.eop.gov* within 30 days from the date of this publication in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- 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.

Agency: Veterans Employment and Training Service.

Type of Review: New Collection (Request for a New OMB Control Number).

Title of Collection: Homeless Veterans Reintegration Program Data Collection and Effectiveness Study.

OMB Control Number: 1293–NEW.

Affected Public: Private Sector, Not-for-Profit Institutions.

Total Estimated Number of Respondents: 81.

Total Estimated Annual Burden Hours: 405.

Total Estimated Annual Costs Burden: $0.

Description: The proposed study will develop and further DOL understanding of the traits and characteristics of programs which provide employment and training services for homeless veterans. For additional information, see related notice published at Volume 73 FR 47981 on August 15, 2008.

Darrin A. King,

Departmental Clearance Officer.

[FR Doc. E9–2967 Filed 2–11–09; 8:45 am]

BILLING CODE 4510–79–P

DEPARTMENT OF LABOR

Information Collection Extension Request for the Agricultural and Food Processing Clearance Order (ETA Form 790), and the Agricultural Food Processing Clearance Memorandum (ETA Form 795), Comment Request

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the collection of data about the recruitment of agricultural workers. In situations where an adequate supply of workers does not exist locally, agricultural employers must use the Agricultural and Food Processing Clearance Order ETA Form 790 to list the job opening with the State Workforce Agencies (SWAs) for recruiting temporary agricultural workers.

The Agricultural and Food Processing Clearance Memorandum, ETA Form 795, is used by SWAs to extend job orders beyond their jurisdictions, give notice of action on a clearance order, request additional information, amend the order, report results, and accept or reject the extended job order.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice or by accessing: *http://www.doleta.gov/OMBCN/OMBControlNumber.cfm.*

DATES: Written comments must be submitted to the office listed in the addressee's section below on or before April 13, 2009.

ADDRESSES: Submit written comments to: Alina Walker, U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, Division of Adult Services, Migrant and Seasonal Farmworkers, Room S–4209, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone number: 202–693–2706 (this is not a toll-free number). Fax: 202–693–3587. E-mail: *walker.alina@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Currently, the Employment and Training Administration (ETA) will solicit comments concerning the extension of the Agricultural and Food Processing Clearance Order Form for Agricultural Recruitment System Affecting Migratory Farmworkers (ETA Form 790), and the Agricultural Food Processing Clearance Memorandum (ETA Form 795), which will expire on August 31, 2009. Documents for this information request can be obtained by contacting the office listed below in the addressee section or by accessing: *http://www.doleta.gov/OMBCN/OMBControlNumber.cfm.*

II. Review Focus

The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* 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 submissions of responses.

III. Current Actions

Type of Review: Extension without changes.

Agency: Employment and Training Administration.

Title: The Agricultural and Food Processing Clearance Order (ETA Form 790), and the Agricultural Food Processing Clearance Memorandum (ETA Form 795).

OMB Number: 1205–0134.

Affected Public: Employers and state, local, and tribal Governments.

Forms: ETA–790 and ETA–795.

Total Respondents: 5,600.

Frequency: On occasion.

Total Annual Responses: 5,600.

Average Time per Response: 60 minutes for ETA–790 and 15 minutes for ETA–795.

Estimated Total Annual Burden Hours: 4,850.

Total Burden Cost (Operating/Maintaining): $0.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Signed: At Washington, DC this 5th day of February 2009.

Gay M. Gilbert,

Administrator, Office of Workforce Investment, Employment and Training Administration.

[FR Doc. E9–2968 Filed 2–11–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

February 2, 2009.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Mary Beth Smith-Toomey on 202–693–4223 (this is not a toll-free number)/ e-mail: *DOL_PRA_PUBLIC@dol.gov* .

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor—ETA, Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316 / Fax: 202–395–6974 (these are not toll-free numbers), E-mail: *OIRA_submission@omb.eop.gov* within 30 days from the date of this publication in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- 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.

AGENCY: Veterans Employment and Training Service.

Type of Review: New Collection (Request for a New OMB Control Number).

Title of Collection: Homeless Veterans Reintegration Program Data Collection and Effectiveness Study.

OMB Control Number: 1293–NEW.

Affected Public: Private Sector, Not-for Profit Institutions.

Total Estimated Number of Respondents: 81.

Total Estimated Annual Burden Hours: 405.

Total Estimated Annual Costs Burden: $0.

Description: The proposed study will develop and further DOL understanding of the traits and characteristics of programs which provide employment and training services for homeless veterans. For additional information, see related notice published at Volume 73 FR 47981 on August 15, 2008.

Darrin A. King,

Departmental Clearance Officer.

[FR Doc. E9–2969 Filed 2–11–09; 8:45 am]

BILLING CODE 4510–79–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 23, 2009.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 23, 2009.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 6th day of February 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

APPENDIX

[TAA Petitions Instituted Between 1/21/09 and 1/23/09]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
64921	Hickory Chair/HDM Furniture(Comp)	Hickory, NC	01/21/09	01/16/09
64922	ISM Fastening Systems(USW)	Butler, PA	01/21/09	01/16/09
64923	International Legwear Corp.(Comp)	Hickory, NC	01/21/09	01/16/09
64924	Freeport McMoRan(Wkrs)	Hurley, NM	01/21/09	01/15/09
64925	Dana Heavy Vechicles Systme Group(Wkrs)	Glasgow, KY	01/22/09	01/16/09
64926	Ray Lewis & Son(Wkrs)	Marysville, OH	01/22/09	01/13/09
64927	Anheuser-Busch Inc(Wkrs)	St. Louis, MO	01/22/09	01/16/09
64928	Advanced Micro Devices(Wkrs)	Sunnyvale, CA	01/22/09	01/16/09
64929	Pfizer(Wkrs)	Terre Haute, IN	01/22/09	01/12/09
64930	Kaiser Aluminum(Wkrs)	Greenwood, SC	01/22/09	01/15/09
64931	INVISTA S.a.r.l.(Comp)	Seaford, DE	01/22/09	01/13/09
64932	Pratt & Whitney(State)	East Hartford, CT	01/22/09	01/16/09
64933	Wolf Appliance(Union)	Fitchburg, WI	01/22/09	01/19/09
64934	Borg Warner Morse TEC(IBT)	Ithaca, NY	01/22/09	01/20/09
64935	Baker Hosiery(State)	Fort Payne, AL	01/22/09	01/20/09
64936	Casco Products(Comp)	Marks, MS	01/22/09	01/20/09
64937	Kellwood Company(Comp)	Rutherford, TN	01/22/09	01/16/09
64938	Sonoco Products Company(Wkrs)	Rockton, IL	01/22/09	01/14/09
64939	Farmtrac North America, LLC(Comp)	Tarboro, NC	01/22/09	01/17/09
64940	Long Equipment Company(Comp)	Tarboro, ND	01/22/09	01/17/09
64941	Southworth, Inc(State)	Manilla, AR	01/22/09	01/20/09
64942	Bestop, Inc.(Comp)	Broomfield, CO	01/22/09	01/20/09
64943	Versa-Matic Pump Company(Comp)	Export, PA	01/22/09	01/16/09
64944	Invista(IBDW)	Waynesboro, VA	01/22/09	01/20/09
64945	InterMetro Industries(Comp)	Wilkes-Barre, PA	01/22/09	01/14/09
64946	AbitibiBowater, Inc.(Comp)	Calhoun, TN	01/22/09	01/02/09
64947	Philip Morris(BCTGM)	Concord, NC	01/22/09	01/15/09
64948	Raxon Fabrics Corporation(UNITE)	Allentown, PA	01/22/09	01/21/09
64949	Littlelfuse, Inc.(Comp)	Des Plaines, IL	01/22/09	01/16/09
64950	Indepak, Inc.(Comp)	Portland, OR	01/22/09	01/21/09
64951	Daimler Trucks North America/Portland Truck Plant(Comp)	Portland, OR	01/22/09	01/21/09
64952	Heritage Footwear, Inc.(Comp)	Fort Payne, AL	01/22/09	01/14/09
64953	Bloomsburg Mills, Inc.(Comp)	Bloomsburg, PA	01/22/09	01/13/09
64954	ZF Boge Elastametall, LLC(State)	Paris, IL	01/22/09	01/21/09
64955	Vishay Dale(State)	Columbus, NE	01/22/09	01/21/09
64956	Citigroup Global Markets(Wkrs)	New York, NY	01/22/09	01/20/09
64957	Kyocera Wireless Corporation(Comp)	San Diego, CA	01/22/09	01/20/09
64958	Molex, Inc.(State)	Lincoln, NE	01/22/09	01/21/09
64959	Emerson Network Power(Comp)	Marlborough, MA	01/22/09	01/19/09
64960	Pax Machine Works, Inc.(Comp)	Celina, OH	01/22/09	01/21/09
64961	CNI-Duluth, LLC(State)	Madison Heights, MI	01/22/09	01/15/09
64962	FTCA, Inc.(USW)	Somerset, PA	01/22/09	01/21/09
64963	DME Company(Wkrs)	Youngwood, PA	01/22/09	01/21/09
64964	Kennametal, Inc.(Wkrs)	Farmington Hills, MI	01/22/09	01/21/09
64965	Honeywell International, Inc.(State)	Plymouth, MI	01/22/09	01/12/09
64966	Camera Dynamics, Inc.(State)	Costa Mesa, CA	01/22/09	01/20/09
64967	ARRK Product Development Group(Wkrs)	San Diego, CA	01/22/09	01/14/09
64968	The Jim C. Hamer Company(Comp)	Kenova, WV	01/22/09	01/16/09
64969	The Vollrath Company, LLC(UAW)	Sheboygan, WI	01/22/09	01/21/09
64970	Boise Cascade, LLC(Wkrs)	White City, OR	01/22/09	01/13/09
64971	Gregg Industries(Comp)	El Monte, CA	01/22/09	01/15/09
64972	Risdon International(Comp)	Laconia, NH	01/23/09	01/23/09
64973	Elcom, Inc.(Comp)	El Paso, TX	01/23/09	01/22/09
64974	Fredon Development Industries, LLC(Comp)	Newton, NJ	01/23/09	01/23/09
64975	Shell Sands, Inc.(Wkrs)	Cleveland, OH	01/23/09	01/05/09
64976	General Building Corporation(Comp)	Addison, IL	01/23/09	01/22/09
64977	Circuit Check, Inc.(Comp)	Maple Grove, MN	01/23/09	01/22/09
64978	Narroflex, Inc.(Comp)	Stuart, VA	01/23/09	01/21/09
64979	Fiberweb(Wkrs)	Simpsonville, SC	01/23/09	01/22/09
64980	National Wood Products of Maine, Inc.(Comp)	Oxford, ME	01/23/09	01/22/09
64981	EFTEC N.A., LLC(UAW)	Dayton, OH	01/23/09	01/21/09
64982	W&H Machine Shop, Inc.(Comp)	St. Marys, PA	01/23/09	01/22/09
64983	Plum Creek Northwest Lumber, Inc.(Comp)	Pablo, MT	01/23/09	01/22/09

[FR Doc. E9–3029 Filed 2–11–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,080]

Santoku America, Incorporated; Tolleson, AZ; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 2, 2009 in response to a worker petition filed by a company official on behalf of workers of Santoku America, Incorporated, Tolleson, Arizona.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 4th day of February 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–3028 Filed 2–11–09; 8:45 am]

BILLING CODE 4510–FN–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before March 16, 2009. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting the Life Cycle Management Division (NWML) using one of the following means:

Mail: NARA (NWML), 8601 Adelphi Road, College Park, MD 20740–6001.

E-mail: request.schedule@nara.gov.

Fax: 301–837–3698.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Laurence Brewer, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. *Telephone:* 301–837–1539. *E-mail: records.mgt@nara.gov*.

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless specified otherwise. An item in a schedule is media neutral when the disposition instructions may be applied to records regardless of the medium in which the records are created and maintained. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is limited to a specific medium. (*See* 36 CFR 1228.24(b)(3).)

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of Health and Human Services, Centers for Disease Control and Prevention (N1–442–08–2, 3 items, 3 temporary items). Master files associated with an electronic information system used to record and audit telephone calls made by the general public and health professionals to agency contact centers.

2. Department of Homeland Security, Office for Civil Rights and Civil Liberties (N1–563–08–38, 4 items, 3 temporary items). Civil liberties impact assessment reports not deemed significant and clearance comments and working files associated with all civil liberties impact assessment reports. Proposed for permanent retention are significant civil liberties impact assessment reports.

3. Department of Homeland Security, U.S. Secret Service (N1–87–09–2, 2 items, 2 temporary items). Master files and duplicate data associated with an electronic information system that

tracks the status of closed criminal cases.

4. Department of the Interior, Office of the Secretary (N1–48–08–11, 1 item, 1 temporary item). Master files of an electronic information system which maintains property inventories.

5. Department of the Interior, Bureau of Reclamation (N1–115–08–13, 4 items, 4 temporary items). Electronic records relating to water delivery and charge data that is used to track contract distribution and payment costs.

6. Department of the Interior, National Park Service (N1–79–08–3, 5 items, 4 temporary items). Records relating to the planning, design, construction, rehabilitation, restoration, and maintenance of non-historic facilities, utilities, and infrastructure. Proposed for permanent retention are files that relate to buildings, roads, and other permanent or long-term structures as well as planning and policy documents.

7. Department of the Interior, National Park Service (N1–79–08–4, 5 items, 3 temporary items). Records relating to the management of services such as lodging, food, transportation, and recreation provided for park visitors under commercial service contracts and leases. Proposed for permanent retention are records relating to significant policies and procedures as well as files that document the management of significant commercial service contracts and leases.

8. Department of the Interior, U.S. Geological Survey (N1–57–08–6, 61 items, 50 temporary items). Records associated with such administrative housekeeping functions as emergency planning, safety, security, environmental management, and property management as well as audiovisual records and publishing records. Included are such records as personnel security records, classified information records, exposure and industrial hygiene records, environmental management, permitting, and compliance records, and museum general management and accountability files. Proposed for permanent retention are such records as agency-sponsored and mission-related motion picture and video records, unedited stock footage, acquired motion pictures, and electronic records associated with the Electronic Publications Database System.

9. Department of Justice, Justice Management Division (N1–60–09–8, 2 items, 2 temporary items). Inputs and master files for an electronic information system used to track applications for the Attorney General's Honors Program and the Summer Law Intern Program.

10. Department of Justice, Office of Community Oriented Policing Services (N1–60–09–7, 1 item, 1 temporary item). Master files for an electronic information system used to track the approval and administration of grant requests.

11. Department of Justice, Bureau of Prisons (N1–129–09–1, 2 items, 2 temporary items). Electronic records associated with an electronic information system that contains drawings of products produced by Federal prison industries, such as clothing, office furniture, and industrial products.

12. Department of Justice, Bureau of Prisons (N1–129–09–5, 2 items, 2 temporary items). Master files and outputs of an electronic information system used to maintain control over keys, locks, weapons, and other equipment.

13. Department of Transportation, Federal Highway Administration (N1–406–08–5, 6 items, 5 temporary items). Administrative files, reference materials, transportation security program project files and working papers, and public-private partnership program files. Proposed for permanent retention are correspondence files accumulated by the agency's Administrator, Deputy Administrator, and Executive Director.

14. Railroad Retirement Board, Office of Programs (N1–184–08–3, 5 items, 5 temporary items). Electronic records associated with payments and services provided in accordance with the Railroad Unemployment Insurance Act.

Dated: February 6, 2009.

Michael J. Kurtz,

Assistant Archivist for Records Services—Washington, DC.

[FR Doc. E9–3081 Filed 2–11–09; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Arts Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that two meetings of the Arts Advisory Panel to the National Council on the Arts will be held as follows (ending times are approximate):

Visual Arts/Rosa Parks Sculpture Design (application review): March 9, 2009 in the North Meeting Room, Capitol Visitor Center, U.S. Capitol, Washington, DC. This meeting, from 12:30 p.m. to 5 p.m., will be closed.

International (application review): March 4, 2009 by teleconference. This meeting, from 2 p.m. to 4:10 p.m., will be closed.

The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 28, 2008, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5691.

Dated: *February 9, 2009.*

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. E9–2998 Filed 2–11–09; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on 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 should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725—17th Street, NW.,

Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send e-mail to *splimpto@nsf.gov*. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Title: Survey of Earned Doctorates.

OMB Control Number: 3145–0019.

Summary of Collection: The Survey of Earned Doctorates has been conducted continuously since 1958 and is jointly sponsored by six Federal agencies in order to avoid duplication. It is an accurate, timely source of information on our Nation's most precious resource—highly educated individuals. Data are obtained via paper questionnaire or Web survey from each person earning a research doctorate at the time they receive the degree. Graduate Schools help distribute the Survey of Earned Doctorates to their graduating doctorate recipients. Data are collected on the doctorate recipient's field of specialty, educational background, sources of support in graduate school, debt level, postgraduation plans for employment, and demographic characteristics.

The survey will be collected in conformance with the National Science Foundation Act of 1950, as amended, and the Privacy Act of 1974. Responses from individuals are voluntary. NSF will ensure that all individually identifiable information collected will be kept strictly confidential and will be used for research or statistical purposes, analyzing data, and preparing scientific reports and articles.

The first **Federal Register** notice for this survey was 73 FR 74757, published December 9, 2008, and one comment was received.

Comment: On December 9, 2008 we published in the **Federal Register** (73 FR 74757) a 60-day notice of our intent to request reinstatement of this information collection authority from OMB. In that notice, we solicited public comments for 60 days ending February 9, 2009. One comment was received from the public notice. The comment came from B. Sachau of Floram Park, NJ, via e-mail on December 9, 2008. Ms. Sachau objected to the information collection. Ms. Sachau had no specific suggestions for altering the data collection plans other than to discontinue them entirely.

Response: We responded to Ms. Sachau on December 17, 2008 describing the program, the frequency and the cost issues raised by Ms. Sachau. NSF believes that because the comment does not pertain to the collection of information on the required forms for which NSF is seeking OMB approval, NSF is proceeding with the clearance request.

Need and Use of the Information: The Federal government, universities, researchers, and others use the information extensively. The National Science Foundation, as the lead agency, publishes statistics from the survey in several reports, but primarily in the annual publication series, ''Science and Engineering Doctorates'' and the Interagency Report, ''Doctorate Recipients from U.S. Universities: Summary Report.'' These reports are available on the Web. NSF uses this information to prepare Congressionally mandated reports such as *Science and Engineering Indicators* and *Women, Minorities and Persons with Disabilities in Science and Engineering.*

Description of Respondents: Individuals.

Number of Respondents: 49,000.

Frequency of Responses: Annually.

Total Burden Hours: 27,738.

Dated: February 9, 2009.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. E9–2995 Filed 2–11–09; 8:45 am]

BILLING CODE 7555–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 28613; 812–13536]

Advisors Asset Management, Inc. and Advisors Disciplined Trust; Notice of Application

February 6, 2009.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under sections 6(c) and 17(b) of the Investment Company Act of 1940 (''Act'') for an exemption from section 17(a) of the Act.

Summary of Application: Applicants request an order to permit transactions in certain securities between series of certain registered unit investment trusts (''UITs'').

Applicants: Advisors Asset Management, Inc. (''AAM'') and any entity controlling, controlled by or under common control with AAM (collectively, the ''Depositor''); Advisors Disciplined Trust (''ADT''); any future registered UITs sponsored by the Depositor (together with ADT, the ''Trusts'') and the future and existing series of each Trust (each a ''Series'').[1]

Filing Dates: The application was filed on May 28, 2008, and amended on November 24, 2008. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 3, 2009, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090. Applicants, 18925 Base Camp Road, Monument, CO 80132.

FOR FURTHER INFORMATION CONTACT: Jean E. Minarick, Senior Counsel, at (202) 551–6811, or Julia Kim Gilmer, Branch Chief, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Room, 100 F Street, NE., Washington DC 20549–1520 (tel. 202–551–5850).

Applicants' Representations

1. ADT is a UIT registered under the Act. Each Series will be a series of a

[1] All existing Trusts that currently intend to rely on the requested order have been named as applicants. Any other Trust that relies on the requested order in the future will comply with the terms and conditions of the application.

Trust, each a UIT, which is or will be registered under the Act. AAM, a broker-dealer registered under the Securities Exchange Act of 1934 (''Exchange Act''), is the depositor of each Series. Each Series is or will be created by a trust indenture (''Indenture'') between the Depositor and a banking institution satisfying the requirements of Section 26(a) of the Act and unaffiliated with the Depositor, as trustee (''Trustee'').

2. The Depositor acquires a portfolio of securities, which it deposits with the Trustee in exchange for certificates representing units of fractional undivided beneficial interest in the deposited portfolio (''Units''). As UITs, the Series are not actively managed. A Series generally holds securities until the Series terminates or until the securities mature. A Series may sell portfolio securities (''Selling Series'') in connection with termination of the Series, to fund redemptions of its Units, or under certain extraordinary circumstances specified in the Series Indenture.[2] At the same time, another Series (''Purchasing Series'') holding one or more of the same securities as the Selling Series may be issuing additional units and may need to purchase the same securities that are being sold by the Selling Series. In addition, when certain Selling Series holding U.S. Treasury securities (''Treasuries'') terminate, the Depositor may offer successor Series (''New Series'') that will hold the same Treasuries.

3. Applicants request relief to permit purchases and sales of Qualified Securities, as defined below, between different Series acting as principal.[3] Applicants also seek relief to allow a terminating Series (''Rollover Series'') that holds U.S. Treasury securities (''Treasuries'') to sell Treasuries to a New Series.

4. Qualified Securities are limited to those securities that are actively traded (*i.e.*, have had an average daily trading volume in the preceding six months of at least 500 shares equal in value to at least U.S. $25,000) on an exchange (a ''Qualified Exchange'') that is either (i) a national securities exchange that meets the qualifications of section 6 of the Exchange Act, or (ii) a foreign securities exchange meeting the qualifications set forth in the proposed amendments to rule 12d3–1(d)(6) under the Act[4] and releasing daily closing prices, and included in a published index (securities meeting the preceding tests are referred to as ''Qualified Securities'').

5. Purchases and sales of securities are effected under the direction of the Depositor's professional traders. Pursuant to procedures to be adopted by the Depositor and the Trustee upon the granting of the requested order, the Depositor will make an initial determination that two Series are on opposite sides of a transaction in Qualified Securities. The Depositor will certify in writing to the Trustee of each affected Series, no later than the close of business on the business day following each sale pursuant to the requested order: (a) That the transaction is consistent with the investment objective and policies of each Series as recited in their respective registration statements and reports filed under the Act, (b) the reason that the Selling Series is selling the Qualified Securities, (c) the date of the transaction, (d) how the securities being sold meet the definition of Qualified Securities set forth in the requested order, and (e) the closing sale price of the Qualified Securities on the Qualified Exchange for the date the Qualified Securities are sold. The certificate will be forwarded to the Trustee of each Series for its approval. The Trustee will then countersign the certificate, unless, in the event that the Trustee disagrees with the price listed on the certificate, the Trustee immediately informs the Depositor orally of any such disagreement and returns the certificate within five days with the corrections duly noted. Upon receipt by the Depositor of the corrected certificate, if the Depositor can verify the correct price by reference to any independent published list of prices for the date of the transaction, the Depositor will ensure that the price of Units of each of the Purchasing Series and the Selling Series accurately reflects the corrected price. To the extent that the Depositor disagrees with the Trustee's corrected price, the Depositor and the Trustee will jointly determine the correct sales price by reference to a mutually agreeable, independently published list of prices for the date of the transaction.

6. In connection with the purchase of Treasuries by a New Series from a Rollover Series, sales would be effected at the offer-side evaluation of the Treasuries as of the evaluation time on the sale date, as determined by an independent evaluator that will be a ''qualified evaluator'' as defined in rule 22c–1(b)(2) under the Act (an ''Independent Evaluator''). To minimize the potential for overreaching in these situations, the Depositor will certify in writing to the Trustee of both the Rollover Series and the New Series, within five days of each sale of Treasuries from a Rollover Series to a New Series: (i) That the transaction is consistent with the policies of both the Rollover Series and the New Series, as recited in their respective registration statements and reports filed under the Act; (ii) the date of the transaction; and (iii) the price determined by the Independent Evaluator for the sale date of the Treasuries. The Trustee will then countersign the certificate, unless, in the event that the Trustee disagrees with the price listed on the certificate, the Trustee immediately informs the Depositor orally of such disagreement and returns the certificate within five days to the Depositor with corrections duly noted. Upon the Depositor's receipt of a corrected certificate, the Depositor and the Trustee will jointly determine the correct sales price by reference to a mutually agreeable, published list of prices for the date of the transaction.

Applicants' Legal Analysis

1. Section 17(a) of the Act prohibits an affiliated person of a registered investment company from selling securities to, or purchasing securities from, the company. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include, any person

[2] The Depositor maintains a secondary market for the Units and applicants state that as a practical matter redemptions are initiated primarily by the Depositor because, with the exception of redemptions in kind, the Indenture requires the Trustee to sell units tendered for redemption to the Depositor as long as it maintains a secondary market for the units. Securities also may be sold by a Series: (a) to pay deferred sales charges or expenses or (b) if the Series has elected to be taxed as a ''regulated investment company'' as defined in subchapter M of the Internal Revenue Code of 1986, as amended, and either (i) the sale is necessary or advisable to maintain the qualification of the Series as a regulated investment company or (ii) to provide funds to make any distribution for a taxable year to avoid imposition of any income or excise taxes on the Series or on undistributed income in the Series. The Indenture also authorizes but does not require the Depositor to direct the Trustee to sell securities from a Series' portfolio in certain other circumstances, but any sale made under those circumstances will not be made in reliance on the requested relief.

[3] Rollovers are conducted in accordance with a prior order of the Commission. See Fixed Income Securities, L.P. and Advisor's Disciplined Trust, Investment Company Act Rel. Nos. 26529 (Aug. 9, 2004) (notice) and 26593 (Sept. 3, 2004) (order).

[4] Investment Company Act Rel. No. 17096 (Aug. 3, 1989) (proposing amendments to rule 12d3–1). The proposed amended rule defined a ''Qualified Foreign Exchange'' as a stock exchange in a country other than the United States where: (i) trading generally occurred at least four days per week; (ii) there were limited restrictions on the ability of acquiring companies to trade their holdings on the exchange; (iii) the exchange had a trading volume in stocks for the previous year of at least U.S. $7.5 billion; and (iv) the exchange had a turnover ratio for the preceding year of at least 20% of its market capitalization. The version of the amended rule that was adopted did not include the part of the proposed amendment defining the term ''Qualified Foreign Exchange.''

directly or indirectly controlling, controlled by, or under common control with the other person. The Depositor will sponsor each Series. Because the Depositor of a Series may be deemed to control the Series, all of the Series may be deemed to be affiliated persons of each other.

2. Rule 17a–7 under the Act was designed to permit registered investment companies which might be deemed affiliated persons by reason of common investment advisers, directors and/or officers, to purchase securities from or sell securities to one another at an independently determined price, provided that certain conditions are met. With respect to a sale of Qualified Securities by a Selling Series to a Purchasing Series, Applicants represent that they will comply with all the provisions of rule 17a–7, other than paragraphs (e) and (f). With respect to a sale of Treasuries by a Rollover Series to a New Series, Applicants represent that they will comply with all the provisions of rule 17a–7, other than paragraphs (b), (e) and (f).

3. Paragraph (e) of rule 17a–7 requires an investment company's board of directors (''Board'') to adopt and monitor procedures to assure compliance with the rule. Paragraph (f) of the rule requires that the Board satisfy certain corporate governance requirements. Because the Trusts do not have Boards, the Series would be unable to comply with these requirements. Paragraph (b) of rule 17a–7 requires that the transactions be effected at the independent current market price of a security. The Treasuries would fall within the paragraph (b)(4) category of ''all other securities,'' for which the current market price under rule 17a–7(b) is the average of the highest current independent bid and lowest current independent offer determined on the basis of reasonable inquiry.

4. Section 17(b) of the Act provides that the Commission will exempt a proposed transaction from section 17(a) if evidence establishes that: (i) The terms of the transaction are reasonable and fair and do not involve overreaching; (ii) the transaction is consistent with the policies of each registered investment company involved; and (iii) the transaction is consistent with the general purposes of the Act. Applicants believe that the proposed transactions satisfy the requirements of sections 6(c) and 17(b).

5. Applicants state that the condition that the Qualified Securities must be actively traded on a Qualified Exchange protects against overreaching. Applicants further state that a sale of Qualified Securities by a Selling Series to a Purchasing Series will satisfy each of the requirements of rule 17a–7 other than paragraphs (e) and (f). Applicants note that the requirements in rule 17a–7(e) that the board of directors adopt and monitor certain procedures was adopted, among other things, because transactions permitted by rule 17a–7 may involve entities that are not registered investment companies. The requested relief would extend only to transactions between registered UITs. Applicants represent that purchases and sales between the Selling and Purchasing Series will be consistent with the policies of each Series. Applicants further state that permitting the proposed transactions would result in savings on brokerage fees for the Series.

6. With respect to Treasuries, applicants state that sales by a Rollover Series to a New Series will comply with all of the provisions of rule 17a–7 other than paragraph (b), (e) and (f). Applicants state that the Treasuries would be sold by a Rollover Series to a New Series at the Treasuries' offer-side evaluation as determined by the Independent Evaluator. Other Treasuries acquired by the Purchasing Series will be acquired at the offer-side evaluation and the Purchasing Series would be valued during its initial offering period based on the Treasuries' offer-side evaluation. Applicants state that all unitholders of the New Series, both unitholders from a Rollover Series and new unitholders, will acquire Units with a value based on the offer-side evaluation of the Treasuries. Applicants state that the sales of Treasuries between Series will reduce transaction costs to unitholders of the Rollover Series. In addition, Applicants state that transactions will be consistent with the policy of each Series.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Each sale of Qualified Securities between the Series will be effected at the closing price of the Qualified Securities sold on the applicable Qualified Exchange on the sale date. Each sale of Treasuries between the Series will be effected at the Treasuries' offer-side evaluation as determined by an Independent Evaluator as of the evaluation time on the sale date. Sales of Qualified Securities and Treasuries will be effected without any brokerage charges or other remuneration except customary transfer fees, if any.

2. The nature and conditions of such transactions will be fully disclosed to investors of each participating Series.

3. The Trustee of each Series will (a) review the procedures relating to the sale of Qualified Securities and Treasuries from one Series to another and (b) make any changes to those procedures as the Trustee considers necessary as reasonably designed to comply with paragraphs (a), (b) (except for transactions in Treasuries), (c) and (d) of rule 17a–7.

4. A written copy of these procedures and a written record of each transaction pursuant to this order will be maintained as provided in rule 17a–7(g).

For the Commission, by the Division of Investment Management, under delegated authority.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–2966 Filed 2–11–09; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Small Business Size Standards: Waiver of the Nonmanufacturer Rule

AGENCY: U.S. Small Business Administration.

ACTION: Notice of intent to terminate the Nonmanufacturer Rule Class Waiver for Product Service Code (PSC) 3930, Warehouse Trucks and Tractors, Self-Propelled.

SUMMARY: The U.S. Small Business Administration (SBA) intends to terminate a waiver of the Nonmanufacturer Rule for PSC 3930, Warehouse Trucks and Tractors, Self-Propelled based on SBA's recent discovery of small business manufacturers. Terminating this waiver will require recipients of contracts set aside for small businesses, service-disabled veteran-owned small businesses, or participants in SBA's 8(a) Business Development (BD) Program to provide the products of small business manufacturers or processors on such contracts.

DATES: Comments and source information must be submitted by February 27, 2009.

ADDRESSES: You may submit comments and source information to Edith G. Butler, Program Analyst, Small Business Administration, Office of Government Contracting, 409 3rd Street, SW., Suite 8800, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Ms. Edith G. Butler, by telephone at (202) 619–0422; by FAX at (202) 481–1788; or by e-mail at *edith.butler@sba.gov*.

SUPPLEMENTARY INFORMATION: Section 8(a)(17) of the Small Business Act (Act), 15 U.S.C. 637(a)(17), and SBA's

implementing regulations require that recipients of Federal contracts set aside for small businesses, service-disabled veteran-owned small businesses, or participants in the SBA's 8(a) Business Development Program, provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule. 13 CFR 121.406(b), 125.15(c). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any ''class of products'' for which there are no small business manufacturers or processors available to participate in the Federal market.

In order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months (13 CFR 121.1202(c)).

The SBA defines ''class of products'' based on a six digit coding system. The coding system is the Office of Management and Budget North American Industry Classification System (NAICS). In addition, SBA uses Product Service Codes (PSC) to identify particular products within the NAICS code to which a waiver would apply.

SBA announced its decision to grant the waiver for PSC 3930, in the **Federal Register** on September 13, 1990. **Federal Register** 38313 (1990). SBA recently became aware of the existence of small business manufacturers for items within this class of product.

For this reason, SBA intends to terminate the class waiver previously granted for Warehouse Trucks and Tractors, Self-Propelled, PSC 3930, under NAICS code 333319.

The public is invited to comment to SBA on the proposed termination of the waiver of the Nonmanufacturer Rule for this class of product specified. All comments by the public will be duly considered by SBA in determining whether to finalize its intent to terminate this waiver.

Dated: February 6, 2009.

Karen C. Hontz,

Director for Government Contracting.

[FR Doc. E9–2981 Filed 2–11–09; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 6525]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: Sports, Cultural, and Youth Visitor Program

Announcement Type: New Cooperative Agreement.

Funding Opportunity Number: ECA/PE/C/WHA–EAP–09–18.

Catalog of Federal Domestic Assistance Number: 00.000.

Key Dates:

Application Deadline: April 2, 2009.

Executive Summary: The U.S. Department of State's Bureau of Educational and Cultural Affairs (ECA) seeks an organization to assist the Office of Citizen Exchanges in the implementation of several short-term, high-visibility cultural, sports, and youth exchanges taking place during calendar year 2009 and 2010. Approximately 170 visitors (96 for sports, 32–48 for culture, and 30 for youth) from countries around the world will participate in approximately 13 separate exchange initiatives/projects (eight for sports, three for culture with multiple visitors for each initiative, and two for youth) in the United States designed to promote interaction between the foreign participants and their American peers.

I. Funding Opportunity Description

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through legislation.

Purpose: The three overarching goals for the exchange participants and their American counterparts are to: (1) Develop a broad worldview that incorporates diverse perspectives; (2) apply their skills toward productive and positive outlets in their local communities, and (3) build upon their professional skills and knowledge while developing a deeper understanding of U.S. society and culture. Through these projects, the Visitor Program provides opportunities for foreign visitors to participate in intensive thematic exchanges in the United States. The award recipient must provide overall programmatic, logistical, and administrative support for each of the 170 visitors for U.S.-based exchanges of 10–50 days.

The project will entail working with ECA in planning and scheduling all events, including:

- Oversight of arrivals and departures;
- Preparing briefing materials;
- Locating and reserving athletic or cultural facilities; scheduling meeting rooms;
- Recruiting and screening of host families for select cultural exchanges and all youth exchanges;
- Aiding in the recruitment of appropriate speakers and/or other sports or cultural figures;
- Designing and planning substantive and well-organized activities;
- Coordinating escorts and interpreters;
- Providing adult supervision for minors, including overnight stays when students are not with host families;
- Arranging all air travel (domestic and, in some cases, international) and local transportation.

The program will enable participants to:

- Foster understanding and build relationships with others from different ethnic, religious, and national groups;
- Promote mutual understanding between the people of the partner countries and the United States;
- Learn more about U.S. society and culture, thereby countering negative stereotypes;
- Become part of a network of leaders who will share their knowledge and skills with their peers and the broader community.

Applicant organizations should identify their own specific objectives and measurable outcomes based on these program goals and the specifications provided in this solicitation.

Most projects will start and end in Washington, DC. Other activities will take place at other sites in the United States. The exchange format will be intensive and interactive, weaving together both formal and informal sessions to achieve the stated goals and objectives. Applicants must present a program plan that allows the participants to thoroughly explore the themes in a creative, memorable, and practical way. Activities should be

designed to be replicable and provide practical knowledge and skills that the participants can apply at home. Staff from the selected organization will be expected to be available and/or attend all aspects of the visitor programs, when appropriate and in coordination with ECA.

The proposal must demonstrate how these activities/objectives will be met. The proposal narrative should also provide detailed information on major program activities, and applicants should explain and justify their programmatic choices. Programs must comply with J–1 visa regulations. Please refer to the complete Solicitation Package—this RFGP, the Project Objectives, Goals, and Implementation (POGI), and the Proposal Submission Instructions (PSI)—for further information.

Sports Visitor Program

The Sports Visitor Program will consist of eight projects with approximately 96 participants. Program participants will be selected from all world regions and will focus on a range of sports from basketball to volleyball. The Sports Visitors will be either high school athletes between the ages of 15 and 18, or adult coaches who will benefit both from personal interaction with U.S. professional athletes and coaches, and from traveling to the United States to take part in an introduction to U.S. training approaches, sports management techniques, or community-based sports programs. The majority of the Sports Visitors will be non-English language speakers with little prior experience in the United States. The final mix of countries and sports will be determined after discussions between ECA and our Embassies, as well as input from the relevant U.S. Sports Federations and their foreign counterparts.

Cultural Visitor Program

The Cultural Visitor program consists of the following, three separate projects for visitors from multiple regions of the world to come to the United States and further their professional development: (1) The National Endowment for the Humanities (NEH) Summer Workshops on Landmarks of American History and Culture; (2) The NEH Picturing America Program Workshops; and (3) Individually designed independent programs in the U.S. related to the cultural visitor's specific professional needs and interests. Below is a summary of each of the three cultural projects. Please see the POGI associated with this RFGP for more specific information about each of the three Cultural Visitor projects.

(1) The NEH Summer Workshops on Landmarks of American History and Culture

ECA will sponsor 12–18 foreign participants who will attend one-week workshops coordinated by the NEH, focusing on historical events and cultural themes in American history. The participants will also attend a week-long orientation in Washington, DC, prior to the workshop.

(2) Picturing America Program Workshop With the NEH

ECA will sponsor 10–20 foreign participants who will attend a one-week seminar developed by the NEH and held in conjunction with a U.S. cultural institution with an extensive American art collection.

(3) Individually Designed Cultural Visitor Programs

ECA will sponsor approximately 10 visitors for individually designed U.S. programs focused on the visual arts, dance, music, drama, film, literature and other artistic and humanistic genres. This program will not include the involvement of the NEH; however, the visitors will meet with representatives from a variety of cultural institutions.

The award recipient will work closely with the Cultural Programs Division staff, who will guide them through programmatic, procedural, and budgetary issues for the full range of Cultural Visitor programs. Programs must contain substantive educational sessions or meetings that focus on program objectives presented by experts. Orientation sessions, meetings, site visits, and other program activities should promote dialogue between participants and their U.S. professional counterparts. All of the cultural programs may also include a home stay or community visit following the conclusion of a workshop or independent program. The Cultural Programs Division will identify all participants for the three programs in consultation with U.S. Embassies and Consulates overseas. Participants for all three programs will include foreign educators, social influencers and arts managers.

Youth Visitor Program: Embassy Initiatives

The two Youth Visitor Programs will enable two groups of 14 to 16 secondary school students and teachers each to travel to the United States to take part in activities focused on leadership, respect for diversity, and multiculturalism. The Bureau will identify the two participating countries in consultation with its U.S. Embassies. Additional program themes may be added after these consultations; therefore, the award recipient will need to demonstrate some flexibility and an ability to be innovative in its program planning.

II. Award Information

Type of Award: Cooperative Agreement.

Fiscal Year Funds: 2009.

Approximate Total Funding: $1,130,000 ($600,000 for Sports Programs, $380,000 for Cultural Programs, $150,000 for Youth Programs).

Approximate Number of Awards: One.

Approximate Average Award: $1,130,000.

Anticipated Award Date: June 1, 2009, pending availability of funds.

Anticipated Project Completion Date: September 30, 2010.

Additional Information: Pending successful implementation of this program and the availability of funds in subsequent fiscal years, it is ECA's intent to renew this cooperative agreement for two additional fiscal years, before openly competing it again.

The responsibilities of ECA regarding this cooperative agreement are as follows:

(1) Participation in the design and direction of program activities;

(2) Approval and input on program timelines and agendas;

(3) Guidance in execution of all program components;

(4) Review and approval of all program publicity and recruitment materials;

(5) Approval of decisions related to special circumstances or problems throughout duration of program;

(6) Management of all SEVIS-related issues;

(7) Assistance with participant emergencies;

(8) Liaison with relevant U.S. Embassies and country desk officers at the State Department.

III. Eligibility Information

III.1. Eligible Applicants

Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2. Cost Sharing or Matching Funds

There is no minimum or maximum percentage required for this

competition. However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs which are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements

(a.) Bureau grant guidelines require that organizations with less than four years experience in conducting international exchanges be limited to $60,000 in Bureau funding. ECA anticipates making awards in amounts exceeding $60,000 to support program and administrative costs required to implement these exchange programs. Therefore, organizations with less than four years experience in conducting international exchanges are ineligible to apply under this competition. The Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

(b.) Award recipients must have a Washington, DC presence. Applicants who do not currently have a Washington, DC presence must include a detailed plan in their proposal for establishing such a presence by May 1, 2009. The costs related to establishing such a presence must be borne by the award recipient. No such costs may be included in the budget submission in this proposal. The award recipient must have e-mail capability, access to Internet resources, and the ability to exchange data electronically with all partners involved in the Sports, Cultural and Youth Visitor Program.

(c.) Proposals must demonstrate that an applicant has an established resource base of programming contacts and the ability to keep this resource base continuously updated. This resource base should include speakers, thematic specialists, or practitioners in a wide range of professional fields in both the private and public sectors.

(d.) *Technical Eligibility:* In addition to the requirements outlined in the Proposal Submission Instructions (PSI) technical format and instructions document, all proposals must comply with the following or they will result in your proposal being declared technically ineligible and given no further consideration in the review process.

The Office does not support proposals limited to conferences or seminars (*i.e.*, one- to fourteen-day programs with plenary sessions, main speakers, panels, and a passive audience). It will support conferences only when they are a small part of a larger project in duration that is receiving Bureau funding from this competition.

No funding is available exclusively to send U.S. citizens to conferences or conference-type seminars overseas; nor is funding available for bringing foreign nationals to conferences or to routine professional association meetings in the United States.

The Office of Citizen Exchanges does not support academic research or faculty or student fellowships.

IV. Application and Submission Information

Note: Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1. Contact Information To Request an Application Package

Please contact the Office of Citizen Exchanges, ECA/PE/C, Room 224, U.S. Department of State, SA–44, 301 4th Street, SW., Washington, DC 20547, telephone number: 202–453–8165, fax number: 202–452–8169 or e-mail: *PleasantNX@state.gov* to request a Solicitation Package. Please refer to the Funding Opportunity Number: ECA/PE/C/WHA–EAP–09–18 when making your request.

Alternatively, an electronic application package may be obtained from *grants.gov.* Please see section IV.3.f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document which consists of required application forms, and standard guidelines for proposal preparation. It also contains the Project Objectives, Goals and Implementation (POGI) document, which provides specific information, award criteria and budget instructions tailored to this competition.

Please specify Raymond H. Harvey and refer to the Funding Opportunity Number: ECA/PE/C/WHA–EAP–09–18 located at the top of this announcement on all other inquiries and correspondence.

IV.2. To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's Web site at *http://exchanges.state.gov/education/rfgps/menu.htm*, or from the Grants.gov Web site at *http://www.grants.gov*. Please read all information before downloading.

IV.3. Content and Form of Submission

Applicants must follow all instructions in the Solicitation Package. The application should be submitted per the instructions under IV.3f. ''Application Deadline and Methods of Submission'' section below.

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This 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 *http://www.dunandbradstreet.com* or call 1–866–705–5711. Please ensure that your DUNS number is included in the appropriate box of the SF–424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget.

Please Refer to the Solicitation Package. It contains the mandatory Proposal Submission Instructions (PSI) document *and the Project Objectives, Goals and Implementation (POGI) document* for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. *Please note:* Effective January 7, 2009, all applicants for ECA federal assistance awards must include in their application the names of directors and/or senior executives (current officers, trustees, and key employees, regardless of amount of compensation). In fulfilling this requirement, applicants must submit information in one of the following ways:

(1) Those who file Internal Revenue Service Form 990, ''Return of Organization Exempt From Income Tax,'' must include a copy of relevant portions of this form.

(2) Those who do not file IRS Form 990 must submit information above in the format of their choice.

In addition to final program reporting requirements, award recipients will also be required to submit a one-page document, derived from their program reports, listing and describing their grant activities. For award recipients, the names of directors and/or senior executives (current officers, trustees, and key employees), as well as the one-page description of grant activities, will be transmitted by the State Department to OMB, along with other information required by the Federal Funding Accountability and Transparency Act (FFATA), and will be made available to the public by the Office of Management and Budget on its *USASpending.gov* Web site as part of ECA's FFATA reporting requirements.

If your organization is a private nonprofit that has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1 Adherence to All Regulations Governing The J Visa: The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs is the official program sponsor of the exchange program covered by this RFGP, and an employee of the Bureau will be the ''Responsible Officer'' for the program under the terms of 22 CFR 62, which covers the administration of the Exchange Visitor Program (J visa program). Under the terms of 22 CFR 62, organizations receiving awards (either a grant or cooperative agreement) under this RFGP will be third parties ''cooperating with or assisting the sponsor in the conduct of the sponsor's program.'' The actions of recipient organizations shall be ''imputed to the sponsor in evaluating the sponsor's compliance with'' 22 CFR 62. Therefore, the Bureau expects that any organization receiving an award under this competition will render all assistance necessary to enable the Bureau to fully comply with 22 CFR 62 *et seq*.

The Bureau of Educational and Cultural Affairs places critically important emphases on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by recipient organizations and program participants to all regulations governing the J visa program status. Therefore, proposals should *explicitly state in writing* that the applicant is prepared to assist the Bureau in meeting all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR 62. If your organization has experience as a designated Exchange Visitor Program Sponsor, the applicant should discuss their record of compliance with 22 CFR 62 *et seq.*, including the oversight of their Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements.

The Office of Citizen Exchanges of ECA will be responsible for issuing DS–2019 forms to participants in this program. A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from: United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD—SA–44, Room 734, 301 4th Street, SW., Washington, DC 20547, Telephone: (202) 203–5029, FAX: (202) 453–8640.

IV.3d.2 Diversity, Freedom and Democracy Guidelines: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into your proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3. Program Monitoring and Evaluation: Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the recipient organization will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are ''smart'' (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes*. *Outputs* are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. *Outcomes*, in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

1. *Participant satisfaction*, with the program and exchange experience.

2. *Participant learning*, such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both

substantive (subject-specific) learning and mutual understanding.

3. *Participant behavior*, concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.

4. *Institutional changes*, such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (*i.e.*, surveys, interviews, or focus groups). (Please note that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Recipient organizations will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3d.4. For information on the Bureau's policies regarding alumni outreach and engagement, as well as guidance on the proper acknowledgement of ECA sponsorship of this program, please refer to the enclosed PSI.

IV.3e. Please take the following information into consideration when preparing your budget:

IV.3e.1. Applicants must submit SF–424A—''Budget Information—Non-Construction Programs'' along with a comprehensive budget for the entire program. The award request may not exceed $1,230,000. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

IV.3e.2. Allowable costs for the program include the following:

1. Educational materials;
2. Participant travel (domestic, local, and in some cases, international, transportation);
3. Orientations;
4. Cultural and social activities;
5. Meeting costs;
6. Food and lodging, when not in home stay;
7. Interpreters and translation, when necessary;
8. Follow-on activities;
9. Evaluation;
10. Stipends or allowances;
11. Other justifiable expenses directly related to supporting program activities.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Application Deadline and Methods of Submission:

Application Deadline Date: April 2, 2009.

Reference Number: ECA/PE/C/WHA–EAP–09–18.

Methods of Submission:

Applications may be submitted in one of two ways:

(1.) In hard-copy, via a nationally recognized overnight delivery service (*i.e.*, DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.), or

(2.) Electronically through *http://www.grants.gov*.

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF–424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1 Submitting Printed Applications:

Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF–424 form and place it in an envelope addressed to ''ECA/EX/PM''.

The original and ten copies of the application should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/PE/C/WHA–EAP–09–18, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants submitting hard-copy applications must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal in text (.txt) or Microsoft Word/Excel format on a PC-formatted disk.

IV.3f.2 Submitting Electronic Applications:

Applicants have the option of submitting proposals electronically through Grants.gov (*http://www.grants.gov*). Complete solicitation packages are available at Grants.gov in the ''Find'' portion of the system. Please follow the instructions available in the 'Get Started' portion of the site (*http://www.grants.gov/GetStarted*).

Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov.

Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your internet connection. In addition, validation of an electronic submission via Grants.gov can take up to two business days.

Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

The Grants.gov Web site includes extensive information on all phases/aspects of the Grants.gov process, including an extensive section on frequently asked questions, located under the ''For Applicants'' section of the Web site. ECA strongly recommends that all potential applicants review thoroughly the Grants.gov Web site, well in advance of submitting a proposal through the Grants.gov system. ECA bears no responsibility for data errors resulting from transmission or conversion processes.

Direct all questions regarding Grants.gov registration and submission to: Grants.gov Customer Support, Contact Center Phone: 800–518–4726.

Business Hours: Monday–Friday, 7 a.m.–9 p.m. Eastern Time.

E-mail: *support@grants.gov.*

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. *There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.*

Please refer to the Grants.gov Web site, for definitions of various ''application statuses'' and the difference between a submission receipt and a submission validation. Applicants will receive a validation e-mail from grants.gov upon the successful submission of an application. Again, validation of an electronic submission via Grants.gov can take up to two business days. *Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.* ECA will *not* notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the Grants.gov Web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process

The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards cooperative agreements resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Program Planning:* Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above. Program schedules should reflect innovative and relevant itineraries, and creative and dynamic meetings and site visits.

2. *Ability to Achieve Program Objectives:* Objectives should be reasonable, feasible, and flexible. Your proposal should clearly demonstrate how your organization will meet the program's objectives and plan.

3. *Multiplier Effect/Impact:* The proposed program should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

4. *Support of Diversity:* Your proposal should demonstrate your organization's commitment to promoting awareness and understanding of diversity.

5. *Project Evaluation:* Your proposal should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. The Bureau recommends that the proposal include a draft survey questionnaire or other technique, plus a description of a methodology to use to link outcomes to original project objectives.

6. *Institution's Record/Ability/Institutional Capacity:* Your proposal should demonstrate an institutional record of successful international exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by the Bureau's Grants Office. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants. Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project goals.

7. *Cost-effectiveness:* The applicant should demonstrate efficient use of Bureau funds. The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

VI. Award Administration Information

VI.1a. Award Notices

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive a Federal Assistance Award (FAA) from the Bureau's Grants Office. The FAA and the original proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The FAA will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI.1b. The following additional requirements apply to this project: A critical component of current U.S. government Iran policy is the support for indigenous Iranian voices. The State Department has made the awarding of grants for this purpose a key component of its Iran policy. As a condition of licensing these activities, the Office of Foreign Assets Control (OFAC) has requested the Department of State to follow certain procedures to effectuate the goals of Sections 481(b), 531(a), 571, 582, and 635(b) of the Foreign Assistance Act of 1961 (as amended); 18 U.S.C. 2339A and 2339B; Executive Order 13224; and Homeland Security Presidential Directive 6. These licensing conditions mandate that the Department conduct a vetting of potential Iran grantees and sub-grantees for counter-terrorism purposes. To conduct this vetting the Department will collect information from grantees and sub-grantees regarding the identity and background of their key employees and Boards of Directors.

Note: To assure that planning for the inclusion of Iran complies with requirements, please contact Raymond H. Harvey, telephone number 202–453–8163, e-mail *HarveyRH@state.gov* for additional information.

All awards made under this competition must be executed according to all relevant U.S. laws and policies regarding assistance to the Palestinian Authority, and to the West Bank and Gaza. Organizations must consult with relevant Public Affairs Offices before entering into any formal arrangements

or agreements with Palestinian organizations or institutions.

Note: To assure that planning for the inclusion of the Palestinian Authority complies with requirements, please contact: Raymond H. Harvey, telephone number 202–453–8163, e-mail *HarveyRH@state.gov*.

VI.2. Administrative and National Policy Requirements

Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A–122, ''Cost Principles for Nonprofit Organizations.''

Office of Management and Budget Circular A–21, ''Cost Principles for Educational Institutions.''

OMB Circular A–87, ''Cost Principles for State, Local and Indian Governments''.

OMB Circular No. A–110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations.

OMB Circular No. A–102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

OMB Circular No. A–133, Audits of States, Local Government, and Non-profit Organizations.

Please reference the following Web sites for additional information:

http://www.whitehouse.gov/omb/grants.

http://fa.statebuy.state.gov.

VI.3. Reporting Requirements

You must provide ECA with a hard copy original plus two copies of the following reports:

(1.) A final program and financial report no more than 90 days after the expiration of the award;

(2.) Concise, one-page final program report summarizing program outcomes no more than 90 days after the expiration of the award. This one-page report will be transmitted to OMB, and be made available to the public via OMB's USAspending.gov Web site—as part of ECA's Federal Funding Accountability and Transparency Act (FFATA) reporting requirements.

A SF–PPR, ''Performance Progress Report'' Cover:

(3.) Quarterly program and financial reports are required that provide concise information on all programs completed that quarter as well as a description of planning undertaken for programs taking place in the following quarter. Financial reports should describe funding allocated to each program completed as well as an estimated budget for programs to be undertaken in the next quarter. A SF–PPR, ''Performance Progress Report'' Cover Sheet is required with all program reports.

Award recipients will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.)

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

VII. Agency Contacts

For questions about this announcement, contact: Raymond H. Harvey, Office of Citizen Exchanges, ECA/PE/C, Room 224, ECA/PE/C/WHA–EAP–09–18, U.S. Department of State, SA–44, 301 4th Street, SW., Washington, DC 20547, telephone number: 202–453–8163, fax number: 202–453–8169, e-mail *HarveyRH@state.gov*.

All correspondence with the Bureau concerning this RFGP should reference the above title and number: ECA/PE/C/WHA–EAP–09–18.

Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: February 4, 2009.

C. Miller Crouch,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E9–3059 Filed 2–11–09; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket Number: OST–95–950]

Notice of Request for Extension of a Previously Approved Collection

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. 3501 *et seq.*) this notice announces that the Information Collection Request, abstracted below, is being forwarded to the Office of Management and Budget for renewal and comment. The ICR describes the nature of the information collection and its expected cost burden. The **Federal Register** Notice with a sixty day comment period soliciting comments on the following collection of information was published on October 31, 2008 [FR Vol. 73, pages 65001–65002]. No comments were received.

DATES: Written comments on this notice should be received on or before March 16, 2009 and submitted to the attention of the DOT/OST Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503 with the associated OMB Approval Number 2105–0534 and Dockets OST–95–950.

FOR FURTHER INFORMATION CONTACT: Aleta Best, Office of the Assistant Secretary for Aviation and International Affairs, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 493–0797.

SUPPLEMENTARY INFORMATION:

Title: Passenger Manifest Information.

OMB Control Number: 2105–0534.

Expiration Date: March 31, 2009.

Type of Review: Renewal and approval for a previously approved collection.

Respondents: All U.S. air carriers, foreign air carriers, computer reservations systems (CRSs), and travel agents doing business in the United States, and the traveling public.

Number of Respondents: 16,000, excluding travelers.

Number of Responses: 31,000,000.

Total Annual Burden: 518,000 hours.

Abstract: Public Law 101–604 (entitled the Aviation Security Improvement Act of 1990, or ''ASIA 90,'' and later codified as 49 U.S.C. 44909) requires that certificated air carriers and large foreign air carriers collect the full name of each U.S. citizen traveling on flight segments to or from the United States and solicit a contact name and telephone number. In case of an aviation disaster, airlines would be required to provide the information to the Department of State and, in certain circumstances, to the National Transportation Safety Board. Each carrier would develop its own collection system. The Passenger Manifest Information, Final Rule (14 CFR 243) was published in the **Federal Register**, Vol. 63, No. 32 (February 18, 1998). The rule was effective March 20, 1998.

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

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.

Todd M. Homan,

Director, Office of Aviation Analysis.

[FR Doc. E9–3067 Filed 2–11–09; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Civil Supersonic Aircraft Panel Discussion

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting participation.

SUMMARY: This notice advises interested persons that the FAA is participating in a panel session on civil supersonic aircraft research. The session will include presentations on current research programs and a question and answer session for attendees. The FAA is seeking to raise public awareness of the continuing technological advances in supersonic aircraft technology aimed at reducing the intensity of sonic boom.

DATES: The public session will take place on Sunday, March 1, 2009. The panel discussion is from 10 a.m. to 12 noon in Palm Springs, CA.

ADDRESSES: The symposium is sponsored by the University of California Davis Air Quality Research Center and it will be held at the Hilton Palm Springs Hotel, 400 East Tahquitz Canyon Way, Palm Springs, CA. Attendance is open to all interested parties, and there are no fees to attend this session.

FOR FURTHER INFORMATION CONTACT: Laurette Fisher, Office of Environment and Energy (AEE–100), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; facsimile (202) 267–5594, telephone (202) 267–3561.

Background: Since March 1973, supersonic flight over land by civil aircraft has been prohibited in the United States. The Concorde was the only civil supersonic airplane that offered service to the United States, but that airplane is no longer in service.

The interest in supersonic aircraft technology has not disappeared. Current research is dedicated toward reducing the impact of sonic booms as they reach the ground, in an effort to make overland flight acceptable. Recent research has produced promising results for low boom intensity, and has renewed interest in developing supersonic civil aircraft that could be considered environmentally acceptable for supersonic flight over land.

The FAA led its first panel discussion entitled, ''State of the Art of Supersonics Aircraft Technology—What has progressed in science since 1973,'' in Chicago, IL on Friday, October 24, 2008, as part of the O'Hare Noise Compatibility Commission Symposium.

The FAA's second presentation and panel discussion will take place on Sunday, March 1, 2009, as part of the Annual University of California Symposium on Aviation Noise and Air Quality. It will be held at the Hilton Palm Springs Hotel, 400 East Tahquitz Canyon Way, Palm Springs, California.

The purpose of this panel session is to raise public awareness on advances in supersonic technology, and for the FAA, the National Aeronautics and Space Administration (NASA), and industry to get feedback from interested persons.

Public involvement is essential in any future definition of an acceptable new standard that would allow supersonic flights over land. We anticipate that this will be the second of many meetings informing the public on developments in the research of shaped sonic booms and other technical and environmental challenges that need to be addressed in developing a new supersonic airplane.

More information about the University of California Symposium can be found at: *http://www.cevs.ucdavis.edu/Cofred/Public/Aca/ConfHome.cfm?confid=392.*

Issued in Washington, DC, on February 6, 2009.

Carl E. Burleson,

Director of Environment and Energy.

[FR Doc. E9–2997 Filed 2–11–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 147 Sixty Eighth Plenary: Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 147 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 147: Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment.

DATES: The meeting will be held March 12, 2009 from 9 a.m.–5 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc. 1828 L Street, Suite 805, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 147 meeting and Working Group 75. The agenda will include:

March 12:

- Opening Plenary Session: (Welcome and Introductory Remarks, Review/Approval if minutes from 67th SC–147 meeting, Review Agenda).
- Surveillance Working Group: Request to consider/approve for final review and comment (FRAC) Change 1 to DO–300.
- Requirements Working Group: Request to consider/approve for FRAC Change 1 to DO–185B.
- EUROCAE WG–75: Status of current activities.

• TCAS Program Office: TCAS Monitoring efforts.
• DO–218 Current status and planned deliverables.
• AVS status on TSO–C119c publication.
• Certification Authorities (US and European) plans for Change 7.1 equipage.
• Closing Session (Other/New Business, Future Actions/Activities, Date and Place of Next Meeting, Adjourn).

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC on February 5, 2009.

Francisco Estrada C.,

RTCA Advisory Committee.

[FR Doc. E9–2983 Filed 2–11–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket ID FMCSA–2008–0399]0

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA).

ACTION: Notice of applications for exemptions from the diabetes standard; request for comments.

SUMMARY: FMCSA announces receipt of applications from 37 individuals for exemptions from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate commercial motor vehicles in interstate commerce.

DATES: Comments must be received on or before March 16, 2009.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2008–0399 using any of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

• *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

• *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket ID for this Notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments online.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at *http://Docketinfo.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The statutes also allow the Agency to renew exemptions at the end of the 2-year period. The 37 individuals listed in this notice have recently requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by the statutes.

Qualifications of Applicants

Michael D. Akers

Mr. Akers, age 43, has had ITDM since 2007. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Akers meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A commercial driver's license (CDL) from Georgia.

Donald J. Altier

Mr. Altier, 39, has had ITDM since 2008. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Altier meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Richie Anderson

Mr. Anderson, 38, has had ITDM since 2008. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring;

and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Anderson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class C operator's license from California.

Rick M. Bryant

Mr. Bryant, 56, has had ITDM since 2008. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bryant meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Arizona.

Casey D. Carr

Mr. Carr, 30, has had ITDM since 2004. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Carr meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Utah.

David L. Coggin

Mr. Coggin, 67, has had ITDM since 2004. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Coggin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Mexico.

Daniel J. Conner

Mr. Conner, 49, has had ITDM since 1995. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Conner meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

James K. Dowden

Mr. Dowden, 51, has had ITDM since 2007. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Dowden meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Minnesota.

Luis G. Garcia

Mr. Garcia, 56, has had ITDM since 1992. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Garcia meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Florida.

Gary A. Garrett

Mr. Garrett, 61, has had ITDM since 2003. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Garrett meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Joseph M. Godinho

Mr. Godinho, 34, has had ITDM since 2008. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Godinho meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class C CDL from California.

Gerardo Gonzales

Mr. Gonzales, 30, has had ITDM since 2008. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gonzales meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he has stable non-proliferative diabetic retinopathy. He holds a Class ABCD operator's license from Wisconsin.

Darryl B. Goskey

Mr. Goskey, 68, has had ITDM since 2004. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the

past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Goskey meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Douglas A. Greve

Mr. Greve, 64, has had ITDM since 2008. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Greve meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Edlyne C. Harrison

Mr. Harrison, 51, has had ITDM since 2008. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Harrison meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Alabama.

Edwin L. Haynie

Mr. Haynie, 53, has had ITDM since 2001. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Haynie meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class C operator's license from Texas.

Darryl D. Hewitt

Mr. Hewitt, 52, has had ITDM since 1992. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hewitt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class C operator's license from California.

Mark D. Hoag

Mr. Hoag, 44, has had ITDM since 1985. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hoag meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a CDL from Washington.

James B. Hodge, Jr.

Mr. Hodge, 39, has had ITDM since 2007. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hodge meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Florida.

Kevin J. Hood

Mr. Hood, 49, has had ITDM since 2008. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hood meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Charles T. Hughes

Mr. Hughes, 63, has had ITDM since 2008. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hughes meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Norman G. Jovin

Mr. Jovin, 65, has had ITDM since 2008. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jovin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Florida.

Patrick H. Junkins

Mr. Junkins, 55, has had ITDM since 2008. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has

stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Junkins meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New Hampshire.

Paul A. Kurimski

Mr. Kurimski, 50, has had ITDM since 2008. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kurimski meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Charles L. Martinez

Mr. Martinez, 38, has had ITDM since 1988. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Martinez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Arizona.

Joseph S. Moore

Mr. Moore, 38, has had ITDM since 1973. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Moore meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he has stable proliferative diabetic retinopathy. He holds a Class E operator's license from South Carolina, which allows him to operate a single unit vehicle exceeding a gross vehicle weight rating of 26,000 pounds except motorcycles.

Jeffrey D. Moul

Mr. Moul, 35, has had ITDM since 1998. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Moul meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Dakota.

Ellis E. Murdock

Mr. Murdock, 45, has had ITDM since the late 1980s. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Murdock meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he has stable non-proliferative diabetic retinopathy. He holds a Class A CDL from Montana.

Richard J. Neeman

Mr. Neeman, 58, has had ITDM since 2005. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Neeman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Minnesota.

Michael A. Potter

Mr. Potter, 47, has had ITDM since 2008. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Potter meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Montana.

Carson R. Reighard

Mr. Reighard, 47, has had ITDM since 2008. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Reighard meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he has stable non-proliferative diabetic retinopathy. He holds a Class A CDL from Iowa.

Frank B. Rivett

Mr. Rivett, 62, has had ITDM since 1962. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rivett meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

Timothy D. Schaff

Mr. Schaff, 55, has had ITDM since 2005. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or

resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schaff meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class DA CDL from Kentucky.

Jeffrey A. Scovel

Mr. Scovel, 38, has had ITDM since 2008. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Scovel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class B3 CDL from South Dakota, which allows him to drive single vehicles greater than 26,000 lbs gross vehicle weight rating and includes car/light truck/motorcycle privileges.

Charles C. Smith

Mr. Smith, 68, has had ITDM since 2007. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Smith meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Michael L. Wise

Mr. Wise, 58, has had ITDM since 1992. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wise meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2008 and certified that he does have stable non-proliferative diabetic retinopathy. He holds a Class B CDL from Indiana.

Richard L. Wright

Mr. Wright, 59, has had ITDM since 2008. His endocrinologist examined him in 2008 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wright meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2008 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the Notice.

FMCSA notes that Section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) The elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) the establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 Notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 Notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 Notice, except as modified by the Notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

Issued on: February 5, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E9–2957 Filed 2–11–09; 8:45 am]

BILLING CODE 4910–EX–P

[1] Section 4129(a) refers to the 2003 Notice as a ''final rule.'' However, the 2003 Notice did not issue a ''final rule'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket ID. FMCSA–2008–0398]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 33 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the Federal vision standard.

DATES: Comments must be received on or before March 16, 2009.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2008–0398 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the

on-line instructions for submitting comments.

• *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

• *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket ID for this Notice. Note that DOT posts all comments received without change to *http://www.regulations.gov*, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at *http://Docketsinfo.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue, S.E., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' FMCSA can renew exemptions at the end of each 2-year period. The 33 individuals listed in this notice each have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

Qualifications of Applicants

James M. Andrews

Mr. Andrews, age 39, has had toxoplasmosis chorioretinopathy in his left eye since birth. The best corrected visual acuity in his right eye left eye is 20/30 and in his left eye, counting fingers. Following an examination in 2008, his ophthalmologist noted, ''It is my medical opinion that the normal vision of his right eye allows sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. Andrews reported that he has driven straight trucks for 6 years, accumulating 108,000 miles. He holds a Class B commercial driver's license (CDL) from Oregon. His driving record for the last 3 years shows one crash and no convictions for moving violations in a CMV.

Michael L. Ayers

Mr. Ayers, 46, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/15 and in his left eye, 20/80. Following an examination in 2008, his optometrist noted, ''In my professional opinion as an eye care practitioner, Mr. Lane Ayers has sufficient vision to perform the driving tasks required to drive a commercial motor vehicle.'' Mr. Ayers reported that he has driven tractor-trailer combinations for 20 years, accumulating 960,000 miles. He holds a Class A CDL from Alabama. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Todd J. Berglund, Sr.

Mr. Berglund, age 34, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/400 and in his left eye, 20/20. Following an examination in 2008, his optometrist noted, ''In my opinion, Todd has sufficient vision function to perform the driving tasks required to operate a commercial vehicle.'' Mr. Berglund reported that he has driven straight trucks for 13 years, accumulating 130,000 miles, and tractor-trailer combinations for 13 years, accumulating 260,000 miles. He holds a Class A CDL from Utah. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

George M. Callahan

Mr. Callahan, 52, has loss of vision in his left eye loss due to a corneal scar sustained at age 5. The visual acuity in his right eye is 20/20 and in his left eye, 20/400. Following an examination in 2008, his optometrist noted, ''Mr. Callahan has sufficient vision to perform necessary tasks to operate a commercial vehicle.'' Mr. Callahan reported that he has driven straight trucks for 1½ years, accumulating 75,000 miles, and tractor-trailer combinations for 21 years, accumulating 2.1 million miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows one crash and no convictions for moving violations in a CMV.

William D. Cardiff

Mr. Cardiff, 53, has had amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/15 and in his left eye, 20/200. Following an examination in 2008, his optometrist noted, ''In my medical opinion, Mr. Cardiff has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Cardiff reported that he has driven straight trucks for 3½ years, accumulating 35,000 miles. He holds a Class C operator's license from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Paul V. DaLuisio

Mr. DaLuisio, 40, has had amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/20 and in his left eye, light perception. Following an examination in 2008, his optometrist noted, ''Patient has sufficient vision to operate a commercial vehicle.'' Mr. DaLuisio reported that he has driven straight trucks for 13 years, accumulating 305,500 miles. He holds a Class B CDL from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Richard DiStaola

Mr. DiStaola, 62, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye left eye is 20/150 and in his left eye, 20/20. Following an examination in 2008, his ophthalmologist noted, ''In my

medical opinion, Mr. DiStaola has sufficient vision to perform the tasks required to operate a commercial motor vehicle.'' Mr. DiStaola reported that he has driven straight trucks for 16 years, accumulating 320,000 miles, and tractor-trailer combinations for 16 years, accumulating 480,000 miles. He holds a Class A CDL from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Tracy A. Doty

Mr. Doty, 45, has loss of vision in his left eye due to a corneal scar sustained as a child. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/200. Following an examination in 2008, his optometrist noted, ''In my medical opinion, Mr. Doty's vision is sufficient to operate a commercial vehicle.'' Mr. Doty reported that he has driven straight trucks for 5 years, accumulating 150,000 miles, and tractor-trailer combinations for 3½ years, accumulating 346,500 miles. He holds a Class A CDL from Tennessee. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV, following improperly.

Vincent C. Durazzo, Jr.

Mr. Durazzo, 44, has complete loss of vision in his right eye due to a traumatic injury that occurred in 1986. The visual acuity in his left eye is 20/20. Following an examination in 2008, his optometrist noted, ''It is my opinion that the health of Mr. Durazzo's left eye is stable and he has sufficient vision and peripheral vision to operate a commercial vehicle.'' Mr. Durazzo reported that he has driven straight trucks for 17 years, accumulating 340,000 miles. He holds a Class 2 operator's license from Connecticut which allows him to drive non-commercial vehicles including vehicle tow of 10,000 lbs gross vehicle weight rating or less. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Matthew A. Ericson

Mr. Ericson, 50, has had branch retinal vein occlusion since 2005. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/50. Following an examination in 2008, his optometrist noted, ''He has sufficient vision to operate a commercial vehicle.'' Mr. Ericson reported that he has driven straight trucks for 17 years, accumulating 510,000 miles, and tractor-trailer combinations for 26 years, accumulating 780,000 miles. He holds a Class ABCD CDL from Wisconsin. His driving record for the last 3 years shows no crashes and one conviction for a moving violation, speeding in a CMV. He exceeded the speed limit by 10 mph.

Breck L. Falcon

Mr. Falcon, 37, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye left eye is 20/60 and in his left eye, 20/20. Following an examination in 2008, his ophthalmologist noted, ''In my medical opinion, he appears to have sufficient vision to perform driving tasks for a commercial vehicle.'' Mr. Falcon reported that he has driven straight trucks for 4 years, accumulating 72,800 miles. He holds a Class B CDL from Louisiana. His driving record for the last 3 years shows no crashes and one conviction for a moving violation, speeding in a CMV. He exceeded the speed limit by 15 mph.

Charles W. Hillyer

Mr. Hillyer, 40, has loss of vision in his left eye sustained from a traumatic injury sustained in 1972. The best corrected visual acuity in his right eye is 20/20 and in his left eye, hand motion. Following an examination in 2009, his optometrist noted, ''In my medical opinion, Mr. Hillyer's vision is sufficient to operate a commercial vehicle.'' Mr. Hillyer reported that he has driven straight trucks for 12 years, accumulating 6,000 miles, and tractor-trailer combinations for 12 years, accumulating 936,000 miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Stephen R. Jackson

Mr. Jackson, 57, has had his right eye surgically removed due to retinal blastoma at 18 months of age. The best corrected visual acuity in his left eye is 20/20. Following an examination in 2008, his optometrist noted, ''Mr. Jackson's condition is stable. His vision is sufficient to perform the driving tasks required to operate a commercial vehicle.'' Mr. Jackson reported that he has driven straight trucks for 11 years, accumulating 22,000 miles. He holds a Class B CDL from Wyoming. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV, speeding in a school zone. He exceeded the speed limit by 23 mph.

Wesley J. Jenkins

Mr. Jenkins, 41, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/200 and in his left eye, 20/20. Following an examination in 2008, his optometrist noted, ''In my professional opinion, Mr. Jenkins' vision is satisfactory enough to continue operation of commercial motor vehicles.'' Mr. Jenkins reported that he has driven straight trucks for 19 years, accumulating 1.5 million miles. He holds a Class B CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Richard H. Johnson

Mr. Johnson, 58, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/80, and in his left eye, 20/20. Following an examination in 2008, his ophthalmologist noted, ''Mr. Richard Johnson has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Johnson reported that he has driven straight trucks for 30 years, accumulating 900,000 miles, and tractor-trailer combinations for 30 years, accumulating 900,000 miles. He holds a Class A CDL from Nevada. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Darrel R. Martin

Mr. Martin, 61, has a prosthetic left eye due to a traumatic injury sustained in 1977. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2008, his optometrist noted, ''In our medical opinion, we certify that Mr. Martin has sufficient vision to perform the driving tasks necessary to operate a commercial vehicle.'' Mr. Martin reported that he has driven straight trucks for 45 years, accumulating 1.4 million miles, and tractor-trailer combinations for 43 years, accumulating 860,000 miles. He holds a Class A CDL from Maryland. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

James W. McGhee

Mr. McGhee, 60, has loss of vision in his left eye due to a traumatic injury sustained as a child. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/200. Following an examination in 2008, his optometrist noted, ''It is my feeling that Mr. McGhee has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. McGhee reported that he has driven straight trucks for 6 years, accumulating 480,000 miles, tractor-trailer combinations for 34 years, accumulating 2.2 million miles, and buses for 2 years, accumulating

100,000 miles. He holds a Class A CDL from Michigan. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Felix L. McLean

Mr. McLean, 38, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/60 and in his left eye, 20/20. Following an examination in 2008, his optometrist noted, ''It is my opinion that Felix McLean has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. McLean reported that he has driven straight trucks for 5 years, accumulating 500 miles, and tractor-trailer combinations for 7 years, accumulating 840,000 miles. He holds a Class A CDL from New Mexico. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

James P. Mittlefehldt

Mr. Mittlefehldt, 54, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/200 and in his left eye, 20/20. Following an examination in 2008, his optometrist noted, ''In my medical opinion, Mr. Mittlefehldt has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Mittlefehldt reported that he has driven straight trucks for 24 years, accumulating 480,000 miles and tractor-trailer combinations for 10 years, accumulating 750,000 miles. He holds a Class A CDL from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Robert E. Morrison

Mr. Morrison, 62, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/100 and in his left eye, 20/30. Following an examination in 2008, his ophthalmologist noted, ''It is my professional opinion that Mr. Morrison has adequate vision with glasses to operate commercial vehicles safely.'' Mr. Morrison reported that he has driven straight trucks for 15 years, accumulating 450,000 miles. He holds a Class B CDL from Connecticut. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Pahl M. Olson

Mr. Olson, 57, has loss of vision due to an ammonia burn to the cornea that occurred in 1973. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/200. Following an examination in 2008, his optometrist noted, ''I certify, Paul Olson, in my opinion, has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Olson reported that he has driven straight trucks for 8 years, accumulating 120,000 miles, and tractor-trailer combinations for 31 years, accumulating 1.1 million miles. He holds a Class ABCD CDL from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Craig P. Osborn

Mr. Osborn, 45, has had extropia in his right eye since birth. The best corrected visual acuity in his right eye is 20/200 and in his left eye, 20/20. Following an examination in 2008, his optometrist noted, ''In my medical opinion, Mr. Osborn has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Osborn reported that he has driven straight trucks for 20 years, accumulating 500,000 miles, and tractor-trailer combinations for 20 years, accumulating 300,000 miles. He holds a Class A CDL from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jeremy L. Perry

Mr. Perry, 26, has a prosthetic left eye due to a traumatic injury sustained in 2004. The visual acuity in his right eye is 20/20. Following an examination in 2008, his optometrist noted, ''It is my medical opinion that Jeremy Perry has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Perry reported that he has driven tractor-trailer combinations for 5 years, accumulating 396,310 miles. He holds a Class A CDL from Kansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Wayne G. Resch

Mr. Resch, 45, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20 and in his left eye, 20/60. Following an examination in 2008, his optometrist noted, ''Considering the consistent and stable nature of Mr. Resch's vision, there is no reason to believe there would be a visual difficulty in operating a commercial vehicle safely.'' Mr. Resch reported that he has driven straight trucks for 20 years, accumulating 800,000 miles, and tractor-trailer combinations for 20 years, accumulating 800,000 miles. He holds a Class A CDL from Wisconsin. His driving record for the last 3 years shows one crash and no convictions for moving violations in a CMV.

Brad E. Robrock

Mr. Robrock, 34, has loss of vision in his left eye due to a macular scar sustained from a traumatic injury that occurred in 1991. The visual acuity in his right eye is 20/20 and in his left eye, 20/300. Following an examination in 2008, his optometrist noted, ''Mr. Robrock, in my medical opinion, has adequate binocular vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Robrock reported that he has driven straight trucks for 10 years, accumulating 150,000 miles. He holds an operator's license from Indiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

James L. Rooney

Mr. Rooney, 51, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/400. Following an examination in 2008, his optometrist noted, ''In my opinion he has sufficient vision to continue to perform the driving tasks required to operate a commercial vehicle.'' Mr. Rooney reported that he has driven straight trucks for 11 years, accumulating 220,000 miles. He holds a Class B CDL from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

James E. Russell

Mr. Russell, 38, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is count fingers and in his left eye, 20/20. Following an examination in 2008, his optometrist noted, ''In my opinion, James has sufficient vision to perform the driving tasks to operate a commercial vehicle.'' Mr. Russell reported that he has driven straight trucks for 5 years, accumulating 65,000 miles, and tractor-trailer combinations for 16 years, accumulating 1.6 million miles. He holds a Class A CDL from Arizona. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Robert C. Sellers, Jr.

Mr. Sellers, 43, has complete loss of vision in the left eye due to a traumatic injury sustained at age 3. The best corrected visual acuity in his right eye is 20/25. Following an examination in

2008, his ophthalmologist noted, ''I believe Mr. Sellers will continue to perform well as a commercial truck driver. He has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Sellers reported that he has driven tractor-trailer combinations for 15 years, accumulating 225,000 miles. He holds a Class A CDL from Tennessee. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

James A. Smith

Mr. Smith, 49, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/200 and in his left eye, 20/15. Following an examination in 2008, his optometrist noted, ''In my opinion, he has sufficient vision to perform all driving tasks required to operate a commercial motor vehicle.'' Mr. Smith reported that he has driven tractor-trailer combinations for 17 years, accumulating 595,000 miles. He holds a Class A CDL from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Richard Sturk

Mr. Sturk, 59, has had loss vision in the right eye due to ischemic optic atrophy since 2003. The best corrected visual acuity in his right eye is 20/200 and in his left eye, 20/25. Following an examination in 2008, his ophthalmologist noted, ''In my medical opinion, I do believe that Mr. Sturk has sufficient vision in his left eye to operate a commercial vehicle.'' Mr. Sturk reported that he has driven tractor-trailer combinations for 17 years, accumulating 1.7 million miles. He holds a Class A CDL license from Tennessee. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Wayne A. Whitehead

Mr. Whitehead, 42, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/60 and in his left eye, 20/25. Following an examination in 2008, his ophthalmologist noted, ''I certify that in my medical opinion, Mr. Whitehead has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Whitehead reported that he has driven straight trucks for 5 years, accumulating 120,750 miles. He holds a Class A CDL from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Charles F. Wotring

Mr. Wotring, 41, has had macular dystrophy in his left eye since birth. The best corrected visual acuity in his right eye is 20/25 and in his left eye, 20/400. Following an examination in 2008, his optometrist noted, ''He is visually able to drive commercially.'' Mr. Wotring reported that he has driven straight trucks for 1½ years, accumulating 52,500 miles, and tractor-trailer combinations for 14 years, accumulating 1.1 million miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and one conviction for a moving violation, speeding in a CMV. He exceeded the speed limit by 14 mph.

Forrest L. Wright

Mr. Wright, 54, has had optic nerve hypoplasia in his right eye since birth. The best corrected visual acuity in his right eye is light perception and in his left eye, 20/20. Following an examination in 2008, his optometrist noted, ''It is my opinion that Mr. Wright has sufficient vision to perform all driving tasks to operate a commercial vehicle.'' Mr. Wright reported that he has driven straight trucks for 3 years, accumulating 30,000 miles, and buses for 6 years, accumulating 24,000 miles. He holds a Class B CDL from Alabama. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business March 16, 2009. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: February 5, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E9–2958 Filed 2–11–09; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–00–8398; FMCSA–00–7165; FMCSA–04–18885; FMCSA–04–17984; FMCSA–06–24783]

Qualification of Drivers; Exemption Renewals; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA previously announced its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 26 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has reviewed the comments submitted in response to the previous announcement and concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 400 Seventh Street, SW., Room 8301, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. The comment period ended on November 17, 2008.

Discussion of Comments

FMCSA received one comment in this proceeding. The comment was considered and discussed below.

Advocates for Highway and Auto Safety (Advocates) expressed opposition to FMCSA's policy to grant exemptions from the FMCSR, including the driver qualification standards. Specifically, Advocates: (1) Objects to the manner in which FMCSA presents driver information to the public and makes safety determinations; (2) objects to the Agency's reliance on conclusions drawn from the vision waiver program; (3) claims the Agency has misinterpreted statutory language on the granting of exemptions (49 U.S.C. 31136(e) and 31315); and finally (4) suggests that a 1999 Supreme Court decision affects the legal validity of vision exemptions.

The issues raised by Advocates were addressed at length in 64 FR 51568 (September 23, 1999), 64 FR 66962 (November 30, 1999), 64 FR 69586 (December 13, 1999), 65 FR 159 (January 3, 2000), 65 FR 57230 (September 21, 2000), and 66 FR 13825 (March 7, 2001). We will not address these points again here, but refer interested parties to those earlier discussions.

Conclusion

The Agency has not received any adverse evidence on any of these drivers that indicates that safety is being compromised. Based upon its evaluation of the 26 renewal applications, FMCSA renews the Federal vision exemptions for Paul G. Albrecht, Elijah A. Allen, Jr., David W. Brown, Monty G. Calderon, David J. Caldwell, Walden V. Clarke, Awilda S. Colon, David Hagadorn, Zane G. Harvey, Jr., Jeffrey M. Keyser, Donnie A. Kildow, Carl M. McIntire, Daniel A. McNabb, David G. Meyers, Robert E. Moore, Thomas L. Oglesby, Michael J. Paul, Russell A. Payne, Rodgey M. Pegg, Raymond E. Peterson, Zbigniew P. Pietranik, John C. Rodriguez, James A. Walker, Richard A. Westfall, Charles E. Wood, and Joseph F. Wood.

In accordance with 49 U.S.C. 31136(e) and 31315, each renewal exemption willbe valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: February 5, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E9–2954 Filed 2–11–09; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2009–0008]

Beall Corporation; Receipt of Application for a Temporary Exemption From Federal Motor Vehicle Safety Standard No. 224

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of receipt of petition for temporary exemption from Federal Motor Vehicle Safety Standard (FMVSS) No. 224, *Rear impact protection.*

SUMMARY: We are asking for comments on the application of Beall Corporation for a temporary exemption from the requirements of FMVSS No. 224. The basis for the application is that compliance would cause substantial economic hardship to the manufacturer which has tried in good faith to comply with the standard.

We are publishing this notice of receipt of the application in accordance with our regulations on the subject. This action does not mean that we have made a judgment about the merits of the application.

DATES: You should submit your comments not later than March 16, 2009.

FOR FURTHER INFORMATION CONTACT: Ari Scott, Office of the Chief Counsel, NCC–112, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., West Building 4th Floor, Room W41–326, Washington, DC 20590. Telephone: (202) 366–2992; Fax: (202) 366–3820.

SUPPLEMENTARY INFORMATION: In accordance with 49 U.S.C. 30113 and the procedures in 49 CFR Part 555, Beall Corporation, d/b/a Power Truckweld (''Beall''), a Dump Body trailer manufacturer, has petitioned the agency for a temporary exemption from the rear impact protection requirements in FMVSS No. 224 (49 CFR 571.224). The basis for the application is that compliance would cause substantial economic hardship to the manufacturer, which has tried in good faith to comply with the standard. A copy of the petition has been placed in the docket for this notice.[1] Beall has requested a three-year hardship exemption.

Beall is a company that manufactures trailers in Washington and Oregon. The company has been in existence for over a decade. Beall states that the total number of vehicles produced in the 12-month period prior to filing the petition was 79. Of those vehicles, 64 were dump body type trailers that would be covered by the requested temporary exemption. The largest number of Dump Body trailers the petitioner sold in recent years is 79 in 2005.

Beall states that the denial of the requested exemption will result in substantial economic hardship. According to the statements of the petitioner, the denial of exemption could cost the company 40 percent of its projected sales during the period covered by the exemption, a situation which could cause the layoff of 100% of its employees. Additionally, Beall asserts that if the exemption is denied, it would lose the entire $800,000 goodwill investment associated with the 2001 purchase of Pioneer Truckweld. It also notes that several of its competitors, such as Reliance and Columbia Body Manufacturing, have received exemptions from FMVSS No. 224, and that it needs to be able to compete effectively with these entities in the dump body trailer sales market, as well as the dump body truck market, as many customers will not allow a manufacturer to bid on a dump body truck if they cannot supply a dump body trailer.

Beall also provides specific financial information with its statement for the years 2004 through 2006. In 2004, it indicates that it posted a loss of over $200,000. In 2005, that loss was approximately $138,000. Finally, in 2006, the total loss was over $53,000. In the event that this petition is denied, Beall estimates that it will lose over $24,000 in the year following the denial. While Beall did not provide specific financial information regarding the projected financial impact of a grant, it has stated that such a grant is necessary for the survival of the Power Truckweld division.

The petitioner believes that it is impossible to estimate the cost of compliance because the method by which compliance may be achieved is unknown at this time, and requires substantial further engineering analysis. Beall states that it has tried, unsuccessfully, to design or outsource the design of a device that would satisfy FMVSS No. 224 for dump body trailers.

In explaining why it has not been currently able to meet the rear impact protection requirements, Beall points to a number a technical challenges associated with designing a compliant rear impact protection system. Namely,

[1] To view the application, go to *http://www.regulations.gov* and enter the docket number set forth in the heading of this document. The company has withdrawn its request for confidential treatment of certain business and financial information submitted in its petition for temporary exemption.

it states that a device designed to satisfy FMVSS No. 224 for dump body applications must also be capable of moving clear, so that the hopper of the paving machines can pass through the space initially occupied by the rear impact protection device. It argues that if the paving machine cannot position itself underneath the dump body, the asphalt will spill out as the dump body raises and unloads the asphalt. The petitioner states that it has been pursuing the design of acceptable systems in a joint project with the Mechanical Engineering department at Montana State University, using techniques such as Finite Element analysis and physical testing devices. In addition, it claims to have designed acceptable guards for a number of non-asphalt paving applications.

Beall states it has considered several alternative means of compliance. These include plastically deforming devices and hinged and retractable devices. However, the petitioner believes that there are a number of problems with regard to these solutions. First, due to clearance issues, space for retractable devices is not readily available, and redesign of the vehicle to accommodate such devices could result in decreased stability. Second, the petitioner states that asphalt paving surface has the effect of rendering these sorts of devices unusable over time. Finally, Beall notes that trailers could be operated with these devices in the retracted position, resulting in no safety benefits.

Beall states that under a temporary exemption, it would continue to pursue a compliant rear impact protection device that would meet the current standards, including attachment and methods of maintenance to ensure proper function while in service. The petitioner states that it will continue to work with others in the paving industry to develop an acceptable solution.

Beall's believes that the public interest would benefit from this exemption, stating the following:

> It would be in the public's interest to allow Pioneer Truckweld to manufacture the equipment required to improve and expand the road building effort in the Western United States while an intense effort is maintained by Pioneer Truckweld to design an acceptable under ride device that will perform well in a paving operation.

Additionally, in its petition, Beall notes that the failure to receive an exemption could cause the closure of the Pioneer Truckweld operation and the layoff of 38 employees in U.S. operations. Also, we note that given the relatively low number of vehicles produced by the petitioner over its history, and the fact that they are primarily used in road construction tasks as opposed to being driven in the flow of traffic, the safety impact of the lack of required rear impact protection equipment is likely to be relatively small.

How you may comment on the application: We invite you to submit comments on the application described above. You may submit comments identified by docket number at the heading of this notice by any of the following methods:

- *Web Site: http://www.regulations.gov.* Follow the instructions for submitting comments on the electronic docket site by clicking on ''Help and Information'' or ''Help/Info.''
- *Fax:* 1–202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or to 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: (202) 366–9826.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.dot.gov/privacy.html.*

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR Part 512).

Issued on: February 5, 2009.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E9–2975 Filed 2–11–09; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4461, 4461–A, and 4461–B

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 4461, Application for Approval of Master or Prototype Defined Contribution Plan; Form 4461–A, Application for Approval of Master or Prototye Defined Benefit Plan; Form 4461–B, Application for Approval of Master or Prototype Plan, Mass Submitter Adopting Sponsor.

DATES: Written comments should be received on or before April 13, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue

Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov*.

SUPPLEMENTARY INFORMATION: *Title:* Form 4461, Application for Approval of Master or Prototype Defined Contribution Plan; Form 4461–A, Application for Approval of Master or Prototype Defined Benefit Plan; Form 4461–B, Application for Approval of Master or Prototype Plan, Mass Submitter Adopting Sponsor.

OMB Number: 1545–0169.

Form Number: Forms 4461, 4461–A, and 4461–B.

Abstract: The IRS uses these forms to determine from the information submitted whether the applicant plan qualifies under section 401(a) of the Internal Revenue Code for plan approval. The application is also used to determine if the related trust qualifies for tax exempt status under Code section 501(a).

Current Actions: There are no changes being made to these forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 5,250.

Estimated Number of Respondent: 20 hours, 47 minutes.

Estimated Total Annual Burden Hours: 109,125.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 3, 2009.

R. Joseph Durbala,

IRS Reports Clearance Office.

[FR Doc. E9–2946 Filed 2–11–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 6559 and 6559–A

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 6559, Transmitter Report and Summary of Magnetic Media and Form 6559–A, Continuation Sheet for Form 6559.

DATES: Written comments should be received on or before April 13, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Allan.M.Hopkins@irs.gov*.

SUPPLEMENTARY INFORMATION: *Title:* Transmitter Report and Summary of Magnetic Media (Form 6559) and Continuation Sheet for Form 6559 (Form 6559–A).

OMB Number: 1545–0441.

Form Numbers: 6559 and 6559–A.

Abstract: Forms 6559 and 6559–A are used by filers of Form W–2 Wage and Tax Data to transmit filings on magnetic media. SSA and IRS need signed jurat and summary data for processing purposes. The forms are used primarily by large employers and tax filing services (service bureaus).

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

Estimated Number of Respondents: 90,000.

Estimated Time per Respondent: 18 min.

Estimated Total Annual Burden Hours: 27,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 3, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–2947 Filed 2–11–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[FI–34–91]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, FI–34–91 (TD 8396), Conclusive Presumption of Worthlessness of Debts Held by Banks (Section 1.166–2).

DATES: Written comments should be received on or before April 13, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Conclusive Presumption of Worthlessness of Debts Held by Banks.

OMB Number: 1545–1254.

Regulation Project Number: FI–34–91.

Abstract: Section 1.166–2(d)(3) of this regulation allows a bank to elect to determine the worthlessness of debts by using a method of accounting that conforms worthlessness for tax purposes to worthlessness for regulatory purposes, and establish a conclusive presumption of worthlessness. An election under this regulation is treated as a change in accounting method.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 200.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 50.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 4, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–2948 Filed 2–11–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[FI–104–90]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, FI–104–90 (TD 8390), Tax Treatment of Salvage and Reinsurance (§ 1.832–4).

DATES: Written comments should be received on or before April 13, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Tax Treatment of Salvage and Reinsurance.

OMB Number: 1545–1227.

Regulation Project Number: FI–104–90.

Abstract: Section 1.832–4(d) of this regulation allows a nonlife insurance company to increase unpaid losses on a yearly basis by the amount of estimated salvage recoverable if the company discloses this to the state insurance regulatory authority.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,500.

Estimated Time per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 5,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal

revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 4, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–2949 Filed 2–11–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[FI–54–93]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, FI–54–93 (TD 8554), Clear Reflection of Income in the Case of Hedging Transactions (§ 1.146–4(d)).

DATES: Written comments should be received on or before April 13, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Clear Reflection of Income in the Case of Hedging Transactions.

OMB Number: 1545–1412. Regulation Project Number: FI–54–93.

Abstract: This regulation provides guidance to taxpayers regarding when gain or loss from common business hedging transactions is recognized for tax purposes and requires that the books and records maintained by a taxpayer disclose the method or methods used to account for different types of hedging transactions.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 110,000.

Estimated Time per Respondent: 12 minutes.

Estimated Total Annual Burden Hours: 22,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 4, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–2950 Filed 2–11–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Suburban Federal Savings Bank Crofton, MD; Notice of Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Federal Deposit Insurance Corporation as sole Receiver for Suburban Federal Savings Bank, Crofton, Maryland (OTS No. 05875).

Dated: January 30, 2009.

By the Office of Thrift Supervision.

Sandra E. Evans,

Federal Register Liaison.

[FR Doc. E9–2936 Filed 2–11–09; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC–28 OTS Nos. 0373 and 114566]

Newton County Loan and Savings, FSB, Goodland, IN; Approval of Conversion Application

Notice is hereby given that on January 8, 2009, the Office of Thrift Supervision approved the application of Newton County Loan and Savings, FSB, Goodland, Indiana, to convert to the stock form of organization.

Copies of the application are available for inspection by appointment (*phone number:* (202) 906–5922 or *e-mail: public.info@ots.treas.gov*) at the Public Reading Room, 1700 G Street, NW., Washington, DC 20552, and the OTS Central Regional Office, One South Wacker Drive, Suite 2000, Chicago, Illinois 60606.

Dated: February 5, 2009.

By the Office of Thrift Supervision.

Sandra E. Evans,

Federal Register Liaison.

[FR Doc. E9–2935 Filed 2–11–09; 8:45 am]

BILLING CODE 6720–01–M

Federal Register

Thursday,
February 12, 2009

Part II

Department of State

Department of Commerce

National Oceanic and Atmospheric Administration

New and Revised Conservation and Management Measures and Resolutions for Antarctic Marine Living Resources Under the Auspices of CCAMLR; Notice

DEPARTMENT OF STATE

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XM35

New and Revised Conservation and Management Measures and Resolutions for Antarctic Marine Living Resources Under the Auspices of CCAMLR

AGENCIES: Office of Ocean Affairs, Department of State and National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: At its Twenty-Seventh Meeting in Hobart, Tasmania, from October 27 to November 7, 2008, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), of which the United States is a member, adopted conservation and management measures and resolutions, pending countries' approval, pertaining to fishing in the CCAMLR Convention Area. All the measures were agreed upon in accordance with Article IX of the Convention for the Conservation of Antarctic Marine Living Resources (Convention). Measures adopted restrict overall catches of certain species of finfish, squid, krill and crabs, restrict fishing in certain areas, restrict use of certain fishing gear, specify implementation and inspection obligations supporting the Catch Documentation Scheme of Contracting Parties, promote compliance with CCAMLR measures by non-Contracting Party vessels, and require vessels engaged in bottom fishing to report data on benthic organisms recovered by their gear. This notice includes the full text of the new and revised conservation measures adopted at the Twenty-Seventh meeting of CCAMLR. This notice also includes a listing of conservation measures that carry over from last year without change. The full text of these measures was published in the **Federal Register** on January 29, 2007, except for Conservation Measures 10–04, 23–06, and 31–02 for which full text was published in the **Federal Register** on December 21, 2007. NMFS suggests that the public view these measures along with the measures contained in this **Federal Register** notice for a complete listing of all the measures adopted by CCAMLR at its recent meeting. The full text of all measures adopted by CCAMLR can be found on CCAMLR's Web site—*http://www.ccamlr.org*. This notice, therefore, together with the U.S. regulations referenced under the **SUPPLEMENTARY INFORMATION**, provides a comprehensive register of all current U.S. obligations under CCAMLR.

DATES: Persons wishing to comment on the measures or desiring more information should submit written comments by March 16, 2009.

FOR FURTHER INFORMATION CONTACT: Robert Gorrell, Office of Sustainable Fisheries, Room 13463, 1315 East-West Highway, SSMC3, NMFS, Silver Spring, MD 20910; tel: 301–713–2341; fax: 301–713–1193; e-mail *Robert.Gorrell@noaa.gov*.

SUPPLEMENTARY INFORMATION: Individuals interested in CCAMLR should also see 15 CFR Chapter III—International Fishing and Related Activities, Part 300—International Fishing Regulations, Subpart A—General; Subpart B—High Seas Fisheries; and Subpart G—Antarctic Marine Living Resources, for other regulatory measures related to conservation and management in the CCAMLR Convention area. Subpart B notes the requirements for high seas fishing vessel licensing. Subparts A and G describe the process for regulating U.S. fishing in the CCAMLR Convention area, which NMFS uses to implement CCAMLR Conservation Measures that are not expected to change from year to year. The regulations in Subpart G include sections on: Purpose and scope; Definitions; Relationship to other treaties, conventions, laws, and regulations; Procedure for according protection to CCAMLR Ecosystem Monitoring Program Sites; Scientific Research; Initiating a new fishery; Exploratory fisheries; Reporting and recordkeeping requirements; Vessel and gear identification; Gear disposal; Mesh size; Harvesting permits; Scientific observers; Dealer permits and preapproval; Appointment of a designated representative; Requirements for a vessel monitoring system; Prohibitions; Facilitation of enforcement and inspection; and Penalties.

Review of existing conservation measures and resolutions (the date in parenthesis indicates the last year in which the measure was amended by CCAMLR):

The Commission noted that the following conservation measures would lapse on November 30, 2008: 32–09 (2007), 33–02 (2007), 33–03 (2007), 41–01 (2007), 41–03 (2006), 41–04 (2007), 41–05 (2007), 41–06 (2007), 41–07 (2007), 41–09 (2007), 41–10 (2007), 41–11 (2007), 42–02 (2007), 52–01 (2007), 52–02 (2007) and 61–01 (2007). Conservation Measure 42–01 (2007) lapsed on November 14, 2008. All of these conservation measures dealt with fishery-related matters for the 2007/08 season and are replaced by new measures mentioned below.

The following unchanged conservation measures and resolutions will remain in force in 2008/09:

Compliance: 10–01 (1998), 10–04 (2007) and 10–08 (2006).

General fishery matters: 21–02 (2006), 22–01 (1986), 22–02 (1984), 22–03 (1990), 22–04 (2006), 23–01 (2005), 23–02 (1993), 23–03 (1991), 23–04 (2000), 23–05 (2000), 23–06 (2007) and 25–03 (2003).

Fishery regulations: 31–01 (1986), 31–02 (2007), 32–01 (2001), 32–02 (1998), 32–03 (1998), 32–04 (1986), 32–05 (1986), 32–06 (1985), 32–07 (1999), 32–08 (1997), 32–10 (2002), 32–11 (2002), 32–12 (1998), 32–13 (2003), 32–14 (2003), 32–15 (2003), 32–16 (2003), 32–17 (2003), 32–18 (2006) and 33–01 (1995).

Protected areas: 91–01 (2004) and 91–02 (2004).

Resolutions: 7/IX, 10/XII, 14/XIX, 15/XXII, 16/XIX, 17/XX, 18/XXI, 19/XXI, 20/XXII, 21/XXIII, 22/XXV, 23/XXIII, 25/XXV and 26/XXVI.

The full text of all but three of these unchanged conservation measures and all but one of the resolutions was published in the January 29, 2007 **Federal Register** (72 FR 4068). The full text of Conservation Measures 10–04, 23–06, and 31–02 was published in the December 21, 2007 **Federal Register** (72 FR 72826). The full text of Resolution 26/XXVI was also published in the December 21, 2007 **Federal Register** (72 FR 72826).

The Commission revised the following conservation measures:

Compliance:

CM 10–02 (2007) was revised as 10–02 (2008) [1 2]
Licensing and inspection obligations of Contracting Parties with regard to their flag vessels operating in the Convention Area

CM 10–03 (2005) was revised as 10–03 (2008) [1 2]
Port inspection of vessels carrying toothfish

CM 10–05 (2006) was revised as 10–05 (2008)
Catch Documentation Scheme for *Dissostichus* spp.

CM 10–06 (2006) was revised as 10–06 (2008)
Scheme to promote compliance by Contracting Party vessels with CCAMLR conservation measures

CM 10–07 (2006) was revised as 10–07 (2008)

Scheme to promote compliance by non-Contracting Party vessels with CCAMLR conservation measures

General fisheries matters:

CM 21–01 (2006) was revised as 21–01 (2008) [1] [2]

Notification that Members are considering initiating a new fishery

CM 21–03 (2007) was revised as 21–03 (2008)

Notifications of intent to participate in a fishery for *Euphausia superba*

CM 22–05 (2006) was revised as 22–05 (2008)

Restrictions on the use of bottom trawling gear in high-seas areas of the Convention Area

CM 22–06 (2007) was revised as 22–06 (2008) [1] [2]

Bottom fishing in the Convention Area

CM 24–01 (2005) was revised as 24–01 (2008) [1] [2]

The application of conservation measures to scientific research

CM 24–02 (2005) was revised as 24–02 (2008)

Longline weighting for seabird conservation

CM 25–02 (2007) was revised as 25–02 (2008) [1] [2]

Minimisation of the incidental mortality of seabirds in the course of longline fishing or longline fishing research in the Convention Area

CM 26–01 (2006) was revised as 26–01 (2008) [1] [2]

General environmental protection during fishing

Fishery regulations:

Toothfish: CM 41–02 (2007) was revised as 41–02 (2008)

Limits on the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3 in the 2007/08 and 2008/09 seasons

Toothfish: CM 41–08 (2007) was revised as 41–08 (2008)

Limits on the fishery for *Dissostichus eleginoides* in Statistical Division 58.5.2 in the 2007/08 and 2008/09 seasons

Krill: CM 51–01 (2007) was revised as 51–01 (2008)

Precautionary catch limitations on *Euphausia superba* in Statistical Subareas 48.1, 48.2, 48.3 and 48.4

Krill: CM 51–02 (2006) was revised as 51–02 (2008)

Precautionary catch limitation on *Euphausia superba* in Statistical Division 58.4.1

Krill: CM 51–03 (2007) was revised as 51–03 (2008)

Precautionary catch limitation on *Euphausia superba* in Statistical Division 58.4.2

In addition, the Commission adopted 22 new conservation measures and two new resolutions:

Compliance:

CM 10–09 (2008)

Notification system for transhipments within the Convention Area

General fisheries matters:

Gear Regulations: CM 22–07 (2008) [1] [2]

Interim measure for bottom fishing activities subject to Conservation Measure 22–06 encountering potential vulnerable marine ecosystems in the Convention Area

Fishery regulations:

Fishing Seasons, Closed Areas and Prohibition of Fishing: CM 32–09 (2008)

Prohibition of directed fishing for *Dissostichus* spp. except in accordance with specific conservation measures in the 2008/09 season

By-catch Limits: CM 33–02 (2008)

Limitation of by-catch in Statistical Division 58.5.2 in the 2008/09 season

By-catch Limits: CM 33–03 (2008) [1] [2]

Limitation of by-catch in new and exploratory fisheries in the 2008/09 season

Finfish Fisheries—Toothfish: CM 41–01 (2008) [1] [2]

General measures for exploratory fisheries for *Dissostichus* spp. in the Convention Area in the 2008/09 season

Finfish Fisheries—Toothfish: CM 41–03 (2008)

Limits on the fishery for *Dissostichus* spp. in Statistical Subarea 48.4 in the 2008/09 season

Finfish Fisheries—Toothfish: CM 41–04 (2008)

Limits on the exploratory fishery for *Dissostichus* spp. in Statistical Subarea 48.6 in the 2008/09 season

Finfish Fisheries—Toothfish: CM 41–05 (2008)

Limits on the exploratory fishery for *Dissostichus* spp. in Statistical Division 58.4.2 in the 2008/09 season

Finfish Fisheries—Toothfish: CM 41–06 (2008)

Limits on the exploratory fishery for *Dissostichus* spp. on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction in the 2008/09 season

Finfish Fisheries—Toothfish: CM 41–07 (2008)

Limits on the exploratory fishery for *Dissostichus* spp. on BANZARE Bank (Statistical Division 58.4.3b) outside areas of national jurisdiction in the 2008/09 season

Finfish Fisheries—Toothfish: CM 41–09 (2008)

Limits on the exploratory fishery for *Dissostichus* spp. in Statistical Subarea 88.1 in the 2008/09 season

Finfish Fisheries—Toothfish: CM 41–10 (2008)

Limits on the exploratory fishery for *Dissostichus* spp. in Statistical Subarea 88.2 in the 2008/09 season

Finfish Fisheries—Toothfish: CM 41–11 (2008)

Limits on the exploratory fishery for *Dissostichus* spp. in Statistical Division 58.4.1 in the 2008/09 season

Finfish Fisheries—Icefish: CM 42–01 (2008)

Limits on the fishery for *Champsocephalus gunnari* in Statistical Subarea 48.3 in the 2008/09 season

Finfish Fisheries—Icefish: CM 42–02 (2008)

Limits on the fishery for *Champsocephalus gunnari* in Statistical Division 58.5.2 in the 2008/09 season

Krill: CM 51–04 (2008)

General measure for exploratory fisheries for *Euphausia superba* in the Convention Area in the 2008/09 season

Krill: CM 51–05 (2008)

Limits on the exploratory fisheries for *Euphausia superba* in Statistical Subarea 48.6 in the 2008/09 season

Crustacean Fisheries—Crab: CM 52–01 (2008)

Limits on the fishery for crab in Statistical Subarea 48.3 in the 2008/09 season

Crustacean Fisheries—Crab: CM 52–02 (2008)

Limits on the exploratory fishery for crab in Statistical Subarea 48.2 in the 2008/09 season

Crustacean Fisheries—Crab: CM 52–03 (2008)

Limits on the exploratory fishery for crab in Statistical Subarea 48.4 in the 2008/09 season

Mollusc Fisheries—Squid: CM 61–01 (2008)

Limits on the exploratory fishery for *Martialia hyadesi* in Statistical Subarea 48.3 in the 2008/09 season

[1] Except for waters adjacent to the Kerguelen Islands and Crozet Islands.

[2] Except for waters adjacent to the Prince Edward Islands.

Under Article IX(6)(c) of the Convention, the United States has 90 days after the November 12, 2008, notification by the Commission to consider the Conservation Measures agreed to at the Twenty-Seventh Meeting of CCAMLR and respond to the Secretariat of CCAMLR that we are unable to accept a Conservation Measure(s).

Resolutions:

Resolution 27/XXVII (Use of a specific tariff classification for Antarctic krill)

Resolution 28/XXVIII (Ballast water exchange in the Convention Area)

Other:

CCAMLR Members also adopted substantive amendments to CCAMLR's Scheme of International Scientific Observation (note: the CCAMLR Scheme of observation is not a Conservation Measure so the text of the modified Scheme is not published here). The CCAMLR Scheme of observation will be incorporated into the ''Scientific Observers Manual'' (Manual) which details proper implementation of the program. Each approved observer receives the current Manual from NMFS. Scientific observers must meet all sampling protocols and other requirements of the Manual. The complete text of the CCAMLR Scheme of observation is included in Section 1 of the Manual.

CCAMLR Members also adopted a policy to enhance cooperation between CCAMLR and Non-Contracting Parties, to ensure effectiveness of CCAMLR Conservation measures, and to eliminate IUU fishing. This policy does not take the form of a Conservation Measure and so it also is not published here.

For further information, see the CCAMLR Web site at *http://www.ccamlr.org* under Publications for the Schedule of Conservation Measures in Force (2008/2009), or contact the Commission at the CCAMLR Secretariat, P.O. Box 213, North Hobart, Tasmania 7002, Australia. Tel: (61) 3–6210–1111).

Conservation Measures and Resolutions Adopted at CCAMLR–XXVII

Conservation Measure 10–02 (2008) [1] [2]

Licensing and inspection obligations of Contracting Parties with regard to their flag vessels operating in the Convention Area

(Species: all; Area: all; Season: all; Gear: all)

1. Each Contracting Party shall prohibit fishing by its flag vessels in the Convention Area except pursuant to a licence [3] that the Contracting Party has issued setting forth the specific areas, species and time periods for which such fishing is authorised and all other specific conditions to which the fishing is subject to give effect to CCAMLR conservation measures and requirements under the Convention.

2. A Contracting Party may only issue such a licence to fish in the Convention Area to vessels flying its flag, if it is satisfied of its ability to exercise its responsibilities under the Convention and its conservation measures, by requiring from each vessel, inter alia, the following:

(i) Timely notification by the vessel to its Flag State of exit from and entry into any port;

(ii) Notification by the vessel to its Flag State of entry into the Convention Area and movement between areas, subareas/divisions;

(iii) Reporting by the vessel of catch data in accordance with CCAMLR requirements;

(iv) Reporting, where possible as set out in Annex 10–02/A by the vessel of sightings of fishing vessels [4] in the Convention Area;

(v) Operation of a VMS system on board the vessel in accordance with Conservation Measure 10–04;

(vi) Noting the International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management Code), from 1 December 2009:

(a) Adequate communication equipment (including MF/HF radio and carriage of at least one 406MHz EPIRB) and trained operators on board. Wherever possible, vessels should be fitted with Global Maritime Distress and Safety System (GMDSS) equipment;

(b) Sufficient immersion survival suits for all on board;

(c) Adequate arrangements to handle medical emergencies that may arise in the course of the voyage;

(d) Reserves of food, fresh water, fuel and spare parts for critical equipment to provide for unforseen delays and besetment;

(e) An approved [5] Shipboard Oil Pollution Emergency Plan (SOPEP) outlining marine pollution mitigation arrangements (including insurance) in the event of a fuel or waste spill.

3. Each Contracting Party shall provide to the Secretariat within seven days of the issuance of each licence the following information about licences issued:

- Name of the vessel
- Time periods authorised for fishing (start and end dates)
- Area(s), subareas or divisions of fishing
- Species targeted
- Gear used.

4. Each Contracting Party shall provide to the Secretariat within seven days of the issuance of each licence the following information about licences issued:

(i) Name of fishing vessel (any previous names if known) [6], registration number [7], IMO number (if issued), external markings and port of registry;

(ii) The nature of the authorisation to fish granted by the Flag State, specifying time periods authorised for fishing (start and end dates), area(s) of fishing, species targeted and gear used;

(iii) Previous flag (if any) [6]

(iv) International Radio Call Sign;

(v) Name and address of vessel's owner(s), and any beneficial owner(s) if known;

(vi) Name and address of licence owner (if different from vessel owner(s));

(vii) Type of vessel;

(viii) Where and when built;

(ix) Length (m);

(x) High-resolution colour photographs of the vessel of appropriate brightness and contrast [8] which shall consist of:

- One photograph not smaller than 12 × 7 cm showing the starboard side of the vessel displaying its full overall length and complete structural features;
- One photograph not smaller than 12 × 7 cm showing the port side of the vessel displaying its full overall length and complete structural features;
- One photograph not smaller than 12 × 7 cm showing the stern taken directly from astern;

(xi) Where applicable, in accordance with Conservation Measure 10–04, details of the implementation of the tamper-proof requirements of the satellite monitoring device installed on board.

5. Each Contracting Party shall, to the extent practicable, also provide to the Secretariat at the same time as submitting information in accordance with paragraph 4, the following additional information in respect to each fishing vessel licensed:

(i) Name and address of operator, if different from vessel owners;

(ii) Names and nationality of master and, where relevant, of fishing master;

(iii) Type of fishing method or methods;

(iv) Beam (m);

(v) Gross registered tonnage;

(vi) Vessel communication types and numbers (INMARSAT A, B and C numbers);

(vii) Normal crew complement;

(viii) Power of main engine or engines (kW);

(ix) Carrying capacity (tonnes), number of fish holds and their capacity (m^3);

(x) Any other information in respect of each licensed vessel they consider appropriate (*e.g.* ice classification) for the purposes of the implementation of the conservation measures adopted by the Commission.

6. Contracting Parties shall communicate without delay to the Secretariat any change to any of the information submitted in accordance with paragraphs 3, 4 and 5.

7. The Executive Secretary shall place a list of licensed vessels on the public section of the CCAMLR Web site.

8. The licence or an authorised copy of the licence must be carried by the fishing vessel and must be available for inspection at any time by a designated CCAMLR inspector in the Convention Area.

9. Each Contracting Party shall verify, through inspections of all of its fishing vessels at the Party's departure and arrival ports, and where appropriate, in its Exclusive Economic Zone, their compliance with the conditions of the licence as described in paragraph 1 and with the CCAMLR conservation measures. In the event that there is evidence that the vessel has not fished in accordance with the conditions of its licence, the Contracting Party shall investigate the infringement and, if necessary, apply appropriate sanctions in accordance with its national legislation.

10. Each Contracting Party shall include in its annual report pursuant to paragraph 12 of the CCAMLR System of Inspection, steps it has taken to implement and apply this conservation measure; and may include additional measures it may have taken in relation to its flag vessels to promote the effectiveness of CCAMLR conservation measures.

[1] Except for waters adjacent to the Kerguelen and Crozet Islands.

[2] Except for waters adjacent to the Prince Edward Islands.

[3] Includes permit and authorisation.

[4] Including support vessels such as reefer vessels.

[5] Shipboard Oil Pollution Emergency Plan to be approved by the Maritime Safety Authority of the Flag State.

[6] In respect of any vessel reflagged within the previous 12 months, any information on the details of the process of (reasons for) previous deregistration of the vessel from other registries, if known.

[7] National registry number.

[8] All photographs shall be of sufficient quality to enable clear identification of the vessel.

Annex 10–02/A

Reporting of Vessel Sightings

1. In the event that the master of a licensed fishing vessel sights a fishing vessel [4] within the Convention Area, the master shall document as much information as possible on each such sighting, including:

(a) Name and description of the vessel.

(b) Vessel call sign.

(c) Registration number and the Lloyds/IMO number of the vessel.

(d) Flag State of the vessel.

(e) Photographs of the vessel to support the report.

(f) Any other relevant information regarding the observed activities of the sighted vessel.

2. The master shall forward a report containing the information referred to in paragraph 1 to their Flag State as soon as possible. The Flag State shall submit to the Secretariat any such reports that meet the criteria of paragraph 3 of Conservation Measure 10–06 or paragraph 8 of Conservation Measure 10–07.

3. The Secretariat shall use such reports for compiling estimates of IUU activities.

Conservation Measure 10–03 (2008) [1] [2] [3]

Port inspections of vessels carrying toothfish

(Species: toothfish; Area: all; Season: all; Gear: all)

1. Contracting Parties shall undertake inspections of all fishing vessels [4] carrying *Dissostichus* spp. which enter their ports. The inspection shall be for the purpose of determining that if the vessel carried out harvesting activities in the Convention Area, these activities were carried out in accordance with CCAMLR conservation measures, and that if it intends to land or tranship *Dissostichus* spp. the catch to be unloaded or transhipped is accompanied by a *Dissostichus* catch document required by Conservation Measure 10–05 and that the catch agrees with the information recorded on the document.

2. To facilitate these inspections, Contracting Parties shall require vessels to provide advance notice of their entry into port and to convey a written declaration that they have not engaged in or supported illegal, unreported and unregulated (IUU) fishing in the Convention Area. The inspection shall be conducted within 48 hours of port entry and shall be carried out in an expeditious fashion. It shall impose no undue burdens on the vessel or its crew, and shall be guided by the relevant provisions of the CCAMLR System of Inspection. Vessels which either declare that they have been involved in IUU fishing or fail to make a declaration shall be denied port access, other than for emergency purposes.

3. In the event that there is evidence that the vessel has fished in contravention of CCAMLR conservation measures, the catch shall not be landed or transhipped. The Contracting Party will inform the Flag State of the vessel of its inspection findings and will cooperate with the Flag State in taking such appropriate action as is required to investigate the alleged infringement and, if necessary, apply appropriate sanctions in accordance with national legislation.

4. Contracting Parties shall promptly provide the Secretariat with a report on the outcome of each inspection conducted under this conservation measure. In respect of any vessels denied port access or permission to land or tranship *Dissostichus* spp., the Secretariat shall promptly convey such reports to all Contracting Parties and to all non-Contracting Parties cooperating with the Commission by participating in the Catch Documentation Scheme for *Dissostichus* spp. (CDS).

[1] Except for waters adjacent to the Kerguelen and Crozet Islands.

[2] Except for waters adjacent to the Prince Edward Islands.

[3] Excluding by-catches of *Dissostichus* spp. by trawlers fishing on the high seas outside the Convention Area. A by-catch shall be defined as no more than 5% of total catch of all species and no more than 50 tonnes for an entire fishing trip by a vessel.

[4] For the purposes of this conservation measure, 'fishing vessel' means any vessel of any size used for, equipped to be used for, or intended for use for the purposes of fishing or fishing related activities, including support ships, fish processing vessels, vessels engaged in transhipment and carrier vessels equipped for the transportation of fishery products except container vessels and excluding Members' marine science research vessels.

In relation to only carrier vessels equipped for transportation of fishery products, Contracting Parties shall conduct a preliminary assessment of the relevant documentation. If that assessment raises concerns regarding compliance with CCAMLR conservation measures, an inspection according to the provisions of this conservation measure shall be required.

Conservation Measure 10–05 (2008)

Catch Documentation Scheme for *Dissostichus* spp.

(Species: toothfish; Area: all; Season: all; Gear: all)

The Commission,

Concerned that illegal, unreported and unregulated (IUU) fishing for *Dissostichus* spp. in the Convention Area threatens serious depletion of populations of *Dissostichus* spp.,

Aware that IUU fishing involves significant by-catch of some Antarctic species, including endangered albatross,

Noting that IUU fishing is inconsistent with the objective of the Convention and undermines the effectiveness of CCAMLR conservation measures,

Underlining the responsibilities of Flag States to ensure that their vessels conduct their fishing activities in a responsible manner,

Mindful of the rights and obligations of Port States to promote the

effectiveness of regional fishery conservation measures,

Aware that IUU fishing reflects the high value of, and resulting expansion in markets for and international trade in, *Dissostichus* spp.,

Recalling that Contracting Parties have agreed to introduce classification codes for *Dissostichus* spp. at a national level,

Recognising that the implementation of a Catch Documentation Scheme for *Dissostichus* spp. (CDS) will provide the Commission with essential information necessary to provide the precautionary management objectives of the Convention,

Committed to take steps, consistent with international law, to identify the origins of *Dissostichus* spp. entering the markets of Contracting Parties and to determine whether *Dissostichus* spp. harvested in the Convention Area that is imported into their territories was caught in a manner consistent with CCAMLR conservation measures,

Wishing to reinforce the conservation measures already adopted by the Commission with respect to *Dissostichus* spp.,

Further recognising the importance of enhancing cooperation with non-Contracting Parties to help prevent, deter and eliminate IUU fishing in the Convention Area,

Acknowledging that the Commission has adopted a policy to enhance cooperation between CCAMLR and non-Contracting Parties,

Inviting non-Contracting Parties whose vessels fish for *Dissostichus* spp. to participate in the CDS,

hereby adopts the following conservation measure in accordance with Article IX of the Convention:

1. The following definitions are intended only for the purposes of the completion of CDS documents and shall be applied as stated regardless of whether such actions as landings, transhipments, imports, exports or re-exports constitute the same under any CDS participant's customs law or other domestic legislation:

(i) *Port State:* The State that has control over a particular port area or free trade zone for the purposes of landing, transhipment, importing, exporting and re-exporting and whose authority serves as the authority for landing or transhipment certification.

(ii) *Landing:* The initial transfer of catch in its harvested or processed form from a vessel to dockside or to another vessel in a port or free trade zone where the catch is certified by an authority of the Port State as landed.

(iii) *Export:* Any movement of a catch in its harvested or processed form from territory under the control of the State or free trade zone of landing, or, where that State or free trade zone forms part of a customs union, any other member State of that customs union.

(iv) *Import:* The physical entering or bringing of a catch into any part of the geographical territory under the control of a State, except where the catch is landed or transhipped within the definitions of 'landing' or 'transhipment' in this conservation measure.

(v) *Re-export:* Any movement of a catch in its harvested or processed form from territory under the control of a State, free trade zone, or member State of a customs union of import unless that State, free trade zone, or any member State of that customs union of import is the first place of import, in which case the movement is an export within the definition of 'export' in this conservation measure.

(vi) *Transhipment:* The transfer of a catch in its harvested or processed form from a vessel to another vessel or means of transport, and, where such transfer takes place within the territory under the control of a Port State, for the purpose of effecting its removal from that State. For the avoidance of doubt, temporarily placing a catch on land or an artificial structure to facilitate such transfer shall not prevent the transfer from being a transhipment where the catch is not 'landed' within the definition of 'landing' in this conservation measure.

2. Each Contracting Party shall take steps to identify the origin of *Dissostichus* spp. imported into or exported from its territories and to determine whether *Dissostichus* spp. harvested in the Convention Area that is imported into or exported from its territories was caught in a manner consistent with CCAMLR conservation measures.

3. Each Contracting Party shall require that each master or authorised representative of its flag vessels authorised to engage in harvesting of *Dissostichus eleginoides* and/or *Dissostichus* mawsoni complete a *Dissostichus* catch document (DCD) for the catch landed or transhipped on each occasion that it lands or tranships *Dissostichus* spp.

4. Each Contracting Party shall require that each landing of *Dissostichus* spp. at its ports and each transhipment of *Dissostichus* spp. to its vessels be accompanied by a completed DCD. The landing of *Dissostichus* spp. without a catch document is prohibited.

5. Each Contracting Party shall, in accordance with their laws and regulations, require that their flag vessels which intend to harvest *Dissostichus* spp., including on the high seas outside the Convention Area, are provided with specific authorisation to do so. Each Contracting Party shall provide DCD forms to each of its flag vessels authorised to harvest *Dissostichus* spp. and only to those vessels.

6. A non-Contracting Party seeking to cooperate with CCAMLR by participating in this scheme may issue DCD forms, in accordance with the procedures specified in paragraphs 8 and 9, to any of its flag vessels that intend to harvest *Dissostichus* spp.

7. Non-Contracting Parties which are involved in the trade of *Dissostichus* spp. are encouraged to approach the CCAMLR Secretariat with requests for assistance. Proposals must demonstrate how any specific assistance requested will help to combat IUU fishing in the Convention Area. Such requests will be considered by the Commission at its annual meeting. The procedure regarding cooperation with CCAMLR in the implementation of the CDS by non-Contracting Parties involved in the trade of *Dissostichus* spp. is set out in Annex 10–05/C.

8. The DCD shall include the following information:

(i) The name, address, telephone and fax numbers of the issuing authority;

(ii) The name, home port, national registry number and call sign of the vessel and, if issued, its IMO/Lloyd's registration number;

(iii) The reference number of the licence or permit, whichever is applicable, that is issued to the vessel;

(iv) The weight of each *Dissostichus* species landed or transhipped by product type, and

(a) By CCAMLR statistical subarea or division if caught in the Convention Area; and/or

(b) By FAO statistical area, subarea or division if caught outside the Convention Area;

(v) The dates within which the catch was taken;

(vi) The date and the port at which the catch was landed or the date and the vessel, its flag and national registry number, to which the catch was transhipped;

(vii) The name, address, telephone and fax numbers of the recipient(s) of the catch and the amount of each species and product type received.

9. Procedures for completing DCDs in respect of vessels are set forth in paragraphs A1 to A10 of Annex 10–05/A to this measure.

10. Each Contracting Party shall require that each shipment of Dissostichus spp. imported into or

exported or re-exported from its territory be accompanied by the export/re-export document. The import, export or re-export of Dissostichus spp. without an export/re-export document is prohibited.

11. An export/re-export document issued in respect of a vessel is one that:

(i) Includes all relevant information and signatures provided in accordance with paragraphs A1 to A11 of Annex 10–05/A to this measure;

(ii) Includes a signed and stamped certification by a responsible official of the exporting State of the accuracy of the information contained in the document.

12. The standard documents for catch, export and re-export documents are attached to Annex 10–05/A as follows:

(i) Attachment 1 contains the standard catch document (which also includes provision for export) and the standard form for re-export which are to be used until 31 May 2009;

(ii) Attachment 2 contains the standard catch document and the standard form for export/re-export which are to be used from 1 June 2009.

Until 31 May 2009:

(i) All references in this conservation measure and its annex to the export/re-export document, with respect to exporting, shall be read as referring to the export section of the standard catch document in Attachment 1;

(ii) All references in this conservation measure and its annex to the export/re-export document, with respect to re-exporting, shall be read as referring to the standard form for re-export in Attachment 1.

13. Each Contracting Party shall ensure that its customs government authorities or other appropriate government officials request and examine the documentation of each shipment of *Dissostichus* spp. imported into or exported from its territory to verify that it includes the export document and, where appropriate, validated re-export document(s) that account for all the *Dissostichus* spp. contained in the shipment. These officials may also examine the content of any shipment to verify the information contained in the catch document or documents.

14. If, as a result of an examination referred to in paragraph 13 above, a question arises regarding the information contained in a DCD or a re-export document, the exporting State whose government authority validated the document(s) and, as appropriate, the Flag State whose vessel completed the document are called on to cooperate with the importing State with a view to resolving such question.

15. Each Contracting Party shall promptly provide by the most rapid electronic means, copies to the CCAMLR Secretariat of all export documents and, where relevant, validated re-export documents that it issued from and received into its territory and shall submit annually to the Secretariat a summary list of documents issued from or received into its territory in respect of transhipments, landings, exports, re-exports and imports. The list shall include: document identification numbers; date of landing, export, re-export, import; weights landed, exported, re-exported or imported.

16. Each Contracting Party, and any non-Contracting Party that issues DCDs in respect of its flag vessels in accordance with paragraph 6, shall inform the CCAMLR Secretariat of the government authority or authorities (including names, addresses, phone and fax numbers and e-mail addresses) responsible for issuing and validating DCDs.

17. Notwithstanding the above, any Contracting Party, or any non-Contracting Party participating in the CDS, may require additional verification of catch documents by Flag States by using, *inter alia,* VMS, in respect of catches [1] taken on the high seas outside the Convention Area, when landed at, imported into or exported from its territory.

18. If, following an examination under paragraph 13, questions under paragraph 14 or requests for additional verification of documents under paragraph 17, it is determined, after consultation with the States concerned, that a catch document is invalid, the import, export or re-export of *Dissostichus* spp. being the subject of the document is prohibited.

19. If a Contracting Party participating in the CDS has cause to sell or dispose of seized or confiscated *Dissostichus* spp., it may issue a Specially Validated *Dissostichus* Catch Document (SVDCD) specifying the reasons for that validation. The SVDCD shall include a statement describing the circumstances under which confiscated fish are moving in trade. To the extent practicable, Parties shall ensure that no financial benefit arising from the sale of seized or confiscated catch accrue to the perpetrators of IUU fishing. If a Contracting Party issues a SVDCD, it shall immediately report all such validations to the Secretariat for conveying to all Parties and, as appropriate, recording in trade statistics.

20. A Contracting Party may transfer all or part of the proceeds from the sale of seized or confiscated *Dissostichus* spp. into the CDS Fund created by the Commission or into a national fund which promotes achievement of the objectives of the Convention. In addition, Contracting Parties may offer voluntary contributions to support the CDS Fund and its related activities. A Contracting Party may, consistent with its domestic legislation, decline to provide a market for toothfish offered for sale with a SVDCD by another State. Provisions concerning the uses of the CDS Fund are found in Annex 10–05/B.

[1] Excluding by-catches of *Dissostichus* spp. by trawlers fishing on the high seas outside the Convention Area. A by-catch shall be defined as no more than 5% of total catch of all species and no more than 50 tonnes for an entire fishing trip by a vessel.

Annex 10–05/A

A1. Each Flag State shall ensure that each *Dissostichus* catch document form that it issues includes a specific identification number consisting of:

(i) A four-digit number, consisting of the two-digit International Standards Organization (ISO) country code plus the last two digits of the year for which the form is issued;

(ii) A three-digit sequence number (beginning with 001) to denote the order in which catch document forms are issued.

It shall also enter on each *Dissostichus* catch document form the number as appropriate of the licence or permit issued to the vessel.

A2. The master of a vessel which has been issued a *Dissostichus* catch document form or forms shall adhere to the following procedures prior to each landing or transhipment of *Dissostichus* spp.:

(i) The master shall ensure that the information specified in paragraph 8 of this conservation measure is accurately recorded on the *Dissostichus* catch document form;

(ii) If a landing or transhipment includes catch of both *Dissostichus* spp., the master shall record on the *Dissostichus* catch document form the total amount of the catch landed or transhipped by weight of each species;

(iii) If a landing or transhipment includes catch of *Dissostichus* spp. taken from different statistical subareas and/or divisions, the master shall record on the *Dissostichus* catch document form the amount of the catch by weight of each species taken from each statistical subarea and/or division and indicating whether the catch was caught in an EEZ or on the high seas, as appropriate;

(iv) The master shall convey to the Flag State of the vessel by the most

rapid electronic means available, the *Dissostichus* catch document number, the dates within which the catch was taken, the species, processing type or types, the estimated weight to be landed and the area or areas of the catch, the date of landing or transhipment and the port and country of landing or vessel of transhipment and shall request from the Flag State, a Flag State confirmation number.

A3. If, for catches [1] taken in the Convention Area or on the high seas outside the Convention Area, the Flag State verifies, by the use of a VMS (as described in paragraph 1 of Conservation Measure 10–04), the area fished and that the catch to be landed or transhipped as reported by its vessel is accurately recorded and taken in a manner consistent with its authorisation to fish, it shall convey a unique Flag State confirmation number to the vessel's master by the most rapid electronic means available. The *Dissostichus* catch document will receive a confirmation number from the Flag State, only when it is convinced that the information submitted by the vessel fully satisfies the provisions of this conservation measure.

A4. The master shall enter the Flag State confirmation number on the *Dissostichus* catch document form.

A5. The master of a vessel that has been issued a *Dissostichus* catch document form or forms shall adhere to the following procedures immediately after each landing or transhipment of *Dissostichus* spp.:

(i) In the case of a transhipment, the master shall confirm the transhipment obtaining the signature on the *Dissostichus* catch document of the master of the vessel to which the catch is being transferred;

(ii) In the case of a landing, the master or authorised representative shall confirm the landing by obtaining a signed and stamped certification on the *Dissostichus* catch document by a responsible official of the Port State of landing or free trade zone who is acting under the direction of either the customs or fisheries authority of the Port State and is competent with regard to the validation of *Dissostichus* catch documents;

(iii) In the case of a landing, the master or authorised representative shall also obtain the signature on the *Dissostichus* catch document of the individual that receives the catch at the port of landing or free trade zone;

(iv) In the event that the catch is divided upon landing, the master or authorised representative shall present a copy of the *Dissostichus* catch document to each individual that receives a part of the catch at the port of landing or free trade zone, record on that copy of the catch document the amount and origin of the catch received by that individual and obtain the signature of that individual.

A6. In respect of each landing or transhipment, the master or authorised representative shall immediately sign and convey by the most rapid electronic means available a copy, or, if the catch landed was divided, copies, of the signed *Dissostichus* catch document to the Flag State of the vessel and shall provide a copy of the relevant document to each recipient of the catch.

A7. The Flag State of the vessel shall immediately convey by the most rapid electronic means available a copy or, if the catch was divided, copies, of the signed *Dissostichus* catch document to the CCAMLR Secretariat to be made available by the next working day to all Contracting Parties.

A8. The master or authorised representative shall retain the original copies of the signed *Dissostichus* catch document(s) and return them to the Flag State no later than one month after the end of the fishing season.

A9. The master of a vessel to which catch has been transhipped (receiving vessel) shall adhere to the following procedures immediately after each landing of such catch in order to complete each *Dissostichus* catch document received from transhipping vessels:

(i) The master of the receiving vessel shall confirm the landing by obtaining a signed and stamped certification on the *Dissostichus* catch document by a responsible official of the Port State of landing or free trade zone who is acting under the direction of either the customs or fisheries authority of the Port State and is competent with regard to the validation of *Dissostichus* catch documents;

(ii) The master of the receiving vessel shall also obtain the signature on the *Dissostichus* catch document of the individual that receives the catch at the port of landing or free trade;

(iii) In the event that the catch is divided upon landing, the master of the receiving vessel shall present a copy of the *Dissostichus* catch document to each individual that receives a part of the catch at the port of landing or free trade zone, record on that copy of the catch document the amount and origin of the catch received by that individual and obtain the signature of that individual.

A10. In respect of each landing of transhipped catch, the master or authorised representative of the receiving vessel shall immediately sign and convey by the most rapid electronic means available a copy of all the *Dissostichus* catch documents, or if the catch was divided, copies, of all the *Dissostichus* catch documents, to the Flag State(s) that issued the *Dissostichus* catch document, and shall provide a copy of the relevant document to each recipient of the catch. The Flag State of the receiving vessel shall immediately convey by the most rapid electronic means available a copy of the document to the CCAMLR Secretariat to be made available by the next working day to all Contracting Parties.

A11. For each shipment of *Dissostichus* spp. to be exported or re-exported from the country of landing or import, the exporter shall adhere to the following procedures to obtain the necessary export or re-export document for all the *Dissostichus* spp. contained in the shipment:

(i) The exporter/re-exporter shall enter on each *Dissostichus* export/re-export document the reference number of the corresponding *Dissostichus* catch document, the amount of each *Dissostichus* spp. reported on the document that is contained in the shipment;

(ii) The exporter/re-exporter shall enter on each *Dissostichus* catch document the name and address of the importer of the shipment and the point of import;

(iii) The exporter/re-exporter shall enter on each export/re-export document the exporter/re-exporter's name and address, and shall sign the document;

(iv) The exporter/re-exporter shall obtain a signed and stamped validation of the export/re-export document (including the attachments if provided) by a responsible official of the exporting/re-exporting State.

(v) The exporter/re-exporter shall indicate the transport details as appropriate:

If by sea:

Container(s) number(s) if appropriate, or
Vessel name, and
Bill of lading number, date and place of issue;

If by air:

Flight number, airway bill number, place and date of issue;

If by other means (ground transportation):

Truck registration number and nationality,

Railway transport number, date and place of issue.

[1] Excluding by-catches of *Dissostichus* spp. by trawlers fishing on the high seas outside the Convention Area. A by-catch shall be defined as no more than 5% of total catch of all species and no more than 50 tonnes for an entire fishing trip by a vessel.

BILLING CODE 3510–22–P

Annex 10-05/A, Attachment 1

Standard Catch and Re-Export Documents
to be Used until 31 May 2009

***DISSOSTICHUS* CATCH DOCUMENT** V 1.5

Document Number | **Flag State Confirmation Number**

PRODUCTION SECTION

1. Issuing Authority of Document

Name | **Address** | **Tel:** **Fax:**

2. Fishing Vessel Name | **Home Port & Registration Number** | **Call Sign** | **IMO/Lloyd's Number** (if issued)

3. Licence Number (if issued) | **Fishing dates for catch under this document** **4. From:** **5. To:**

6. Description of Fish (Landed/Transhipped)

Species	Type	Estimated Weight to be Landed (kg)	Area Caught*	Verified Weight Landed (kg)

7. Description of Fish Sold

Net Weight Sold (kg)	Recipient name, address, telephone, fax and signature.
	Recipient Name:
	Signature:
	Address:
	Tel:
	Fax:

Species: **TOP** *Dissostichus eleginoides*, **TOA** *Dissostichus mawsoni*

Type: **WHO** Whole; **HAG** Headed and gutted; **HAT** Headed and tailed; **FLT** Fillet; **HGT** Headed, gutted, tailed; **OTH** Other (specify)

8. Landing/Transhipment Information: I certify that the above information is complete, true and correct. If any *Dissostichus* spp. was taken in the Convention Area, I certify that it was taken in a manner which is consistent with CCAMLR conservation measures.

Master of Fishing Vessel or Authorised Representative (print in block letters) | **Signature and Date** | **Landing/Transhipment Port and Country/Area** | **Date of Landing/Transhipment**

9. Certificate of Transhipment: I certify that the above information is complete, true and correct to the best of my knowledge.

Master of Receiving Vessel | **Signature** | **Vessel Name** | **Call Sign** | **IMO/Lloyds Number** (if issued)

Transhipment within a Port Area: countersignature by Port Authority if appropriate.

Name | **Authority** | **Signature** | **Seal (Stamp)**

10. Certificate of Landing: I certify that the above information is complete, true and correct to the best of my knowledge.

Name | **Authority** | **Signature** | **Address** | **Tel.** | **Port of Landing** | **Date of Landing** | **Seal (Stamp)**

EXPORT SECTION – TRANSPORT DETAILS

If by sea/air:	Container number	
	(if more than one – attach list)	
If no container:	Vessel name; OR	
	Flight number; AND	
	Bill of lading/airway bill number; AND	
	Date and place of issue	
If ground transport:	Truck registration number and nationality; OR	
	Railway transport number; AND	
	Date and place of issue	

11. Description of Fish Exported

Species	Product Type	Net Weight

12. Exporter Declaration: I certify that the above information is complete, true and correct to the best of my knowledge.

Name | **Address** | **Signature** | **Export Licence** (if issued)

13. Export Government Authority Validation: I certify that the above information is complete, true and correct to the best of my knowledge.

Name/Title | **Signature** | **Date** | **Country of export seal (Stamp)**

14. IMPORT SECTION

Name of Importer | **Address**

Point of Unlading: | **Address** | **State/Province** | **Country**

City

* Report FAO Statistical Area/Subarea/Division where catch was taken and indicate whether the catch was taken on the high seas or within an EEZ.

***DISSOSTICHUS* RE-EXPORT DOCUMENT** **V1.2**

RE-EXPORT SECTION **Re-exporting Country:**

1. Description of Fish

Species	Type of Product	Net Weight Exported (kg)	*Dissostichus* Catch Document Number Attached

Species: **TOP** *Dissostichus eleginoides*, **TOA** *Dissostichus mawsoni*
Type: **WHO** Whole; **HAG** Headed and gutted; **HAT** Headed and tailed; **FLT** Fillet; **HGT** Headed, gutted, tailed; **OTH** Other (specify)

RE-EXPORT – TRANSPORT DETAILS

If by sea/air:	Container number	
	(if more than one – attach list)	
If no container:	Vessel name; OR	
	Flight number; AND	
	Bill of lading/airway bill number; AND	
	Date and place of issue	
If ground transport:	Truck registration number and nationality; OR	
	Railway transport number: AND	
	Date and place of issue	

2. Re-Exporter Certification: I certify that the above information is complete, true and correct to the best of my knowledge and that the above product comes from product certified by the attached *Dissostichus* Catch Document(s).

Name	Address	Signature	Date	Export Licence (if issued)

3. Re-Export Government Authority Validation: I certify that the above information is complete, true, and correct to the best of my knowledge.

Name/Title	Signature	Date	Seal (Stamp)

4. IMPORT SECTION

Name of Importer **Address**

Point of Unlading: **City** **State/Province** **Country**

Annex 10-05/A, Attachment 2

Standard Catch and Export/Re-Export Documents

to be Used From 1 June 2009

DISSOSTICHUS CATCH DOCUMENT V 1.6

Document Number:	**Flag State Confirmation Number:**

1. Issuing Authority of Document

	Address:	Telephone:	Fax:

2. Fishing Vessel

Name:	Home Port:	Registration Number:	Call Sign:	IMO/Lloyd's Number (if issued):

3. Licence Number (if issued)	Fishing dates for catch under this document	
	4. From:	5. To:

6. Description of fish (Landed/Transhipped) — **7. Description of Fish Sold**

Species	Type	EEZ	AreaCaught *	Estimated Weight to be Landed (Kg)	Verified Weight Landed (Kg)	Net Weight Sold (Kg)

Species: TOP (Dissostichus eleginoides), **TOA** (Dissostichus Mawsoni)
Type: WHO Whole, **HAG** Headed and gutted, **HAT** Headed and tailed, **FLT** Fillet, **HGT** Headed, gutted, tailed, **OTH** Other (Specify)

7. Description of fish sold

Name of Recipient:		Signature:
Address:	Telephone:	Fax:

8. Landing/Transhipment information: I certify that the above information is complete, true and correct, and that any Dissostichus spp. was taken in the Convention Area, I certify that it was taken in a manner which is consistent with CCAMLR conservation measures.

Master of Fishing Vessel or Authorised Representative: (print in block letters)	Date:	Signature:	Landing/Transhipment Port and Country /Area:	Landing/Transhipment Date:

9A1. Certificate of Transhipment: I certify that the above information is complete, true and correct to the best of my knowledge.

Master of Receiving Vessel:	Signature:	Vessel Name:	Call Sign:	IMO/Lloyd's Number:

9B1. Transhipment within a Port Area (countersignature by port authority if appropriate)

Name:	Authority:	Signature:	Seal (stamp):

9A2. Certificate of Transhipment: I certify that the above information is complete, true and correct to the best of my knowledge.

Master of Receiving Vessel:	Signature:	Vessel Name:	Call Sign:	IMO/Lloyd's Number:

9B2. Transhipment within a Port Area (countersignature by port authority if appropriate)

Name:	Authority:	Signature:	Seal (stamp):

10. Certificate of Landing: I certify that the above information is complete, true and correct to the best of my knowledge.

Name:	Signature:	Authority:

* Report FAO Statistical Area/Subarea/Division where catch was taken and indicate the catch was taken on the high seas or within an EEZ.

DISSOSTICHUS EXPORT/RE-EXPORT DOCUMENT		V1.3
Catch Document Number:		Export code:
From:	To:	Fishing Vessel Name:

11. Description of Fish Exported		
Species	Type	Net Weight Exported (kg)
Species: TOP (Dissostichus eleginoides), TOA (Dissostichus mawsoni)		
Type: WHO Whole; HAG Headed and gutted; HAT Headed and tailed; FLT Fillet; HGT Headed, gutted, tailed; OTH Other (specify)		

Transport Details	
If by sea/air:	If ground transport
Container number; OR	Truck registration number; AND
Vessel name; OR	Nationality of truck; OR
Flight number;	Railway transport number; AND
Bill of lading/airway bill number;	
Date of issue:	Date of issue:
Place of issue:	Place of issue:

12 Exporter Certification: I certify that the above information is complete, true and correct to the best of my knowledge.		
Name:	Address:	
Signature:	Date:	Export Licence:

13. Export Government Authority Validation: I certify that the above information is complete, true and correct to the best of my knowledge.			
Name / title:	Signature:	Date:	Seal (Stamp):

14. Import Section		Date of import:
Name of importer:		Address:
Point of Unlading:	Point of Unlading, State/Province:	Point of Unlading, Country:

BILLING CODE 3510–22–C

Annex 10–05/B

The Use of the CDS Fund

B1. The overall objective of the CDS Fund (''the Fund'') is to provide a mechanism which enables the Commission to enhance its capacity to prevent, deter and eliminate IUU fishing in the Convention Area, by *inter alia,* improving the effectiveness of the CDS.

B2. The Fund will be operated according to the following provisions:

(i) The Fund shall be used for special projects, or special needs of the Secretariat if the Commission so decides, aimed at enhancing the Commission's capacity to contribute to the prevention, deterrence and elimination of IUU fishing in the Convention Area. The Fund may also be used for assisting the development and improving the effectiveness of the CDS and for other such purposes as the Commission may decide.

(ii) The Fund shall be used primarily for projects conducted by the Secretariat, although the participation of Members in these projects is not precluded. While individual Member projects shall be considered, this shall not replace the normal responsibilities of Members of the Commission. The

Fund shall not be used for routine Secretariat activities.

(iii) Proposals for special projects may be made by Members, by the Commission or the Scientific Committee and their subsidiary bodies, or by the Secretariat. Proposals shall be submitted to the annual meeting of the Commission as working papers and be accompanied by an explanation of the proposal and an itemised statement of estimated expenditure.

(iv) The Commission will, at each annual meeting, designate six Members to serve on a Review Panel to review proposals and to make recommendations to the Commission on whether to fund special projects or special needs. The Review Panel will meet during the first week of the Commission's annual meeting.

(v) The Commission shall review all proposals and decide on appropriate projects and funding as a standing agenda item at its annual meeting.

(vi) The Fund may be used to assist Acceding States and non-Contracting Parties that wish to cooperate with CCAMLR by contributing to the prevention, deterrence and elimination of IUU fishing in the Convention Area, so long as this use is consistent with provisions (i) and (ii) above. Such assistance shall be provided within the scope of the CCAMLR Cooperation Enhancement Program contained in the Policy to Enhance Cooperation between CCAMLR and non-Contracting Parties. Acceding States and non-Contracting Parties may submit proposals for consideration by the Commission at its annual meeting, if the proposals are sponsored by, or in cooperation with, a Member or the Secretariat.

(vii) The Financial Regulations of the Commission shall apply to the Fund, except in so far as these provisions provide or the Commission decides otherwise.

(viii) The Secretariat shall report to the annual meeting of the Commission on the activities of the Fund, including its income and expenditure. Annexed to the report shall be reports on the progress of each project being funded by the Fund, including details of the expenditure on each project. The report will be circulated to Members in advance of the annual meeting.

(ix) Where an individual Member project is being funded according to provision (ii), that Member shall provide an annual report on the progress of the project, including details of the expenditure on the project. The report shall be submitted to the Secretariat as a working paper to be circulated to Members in advance of the annual meeting. When the project is completed, that Member shall provide a final statement of account certified by an auditor acceptable to the Commission.

(x) The Commission shall review all ongoing projects at its annual meeting as a standing agenda item and reserves the right, after notice, to cancel a project at any time should it decide that it is necessary. Such a decision shall be exceptional, and shall take into account progress made to date and likely progress in the future, and shall in any case be preceded by an invitation from the Commission to the project coordinator to present a case for continuation of funding.

(xi) The Commission may modify these provisions at any time.

Annex 10–05/C

Procedure Regarding Cooperation With CCAMLR in the Implementation of the CDS by Non-Contracting Parties Involved in the Trade of *Dissostichus* SPP

C1. Prior to the annual meeting of the Commission, the Executive Secretary shall contact all non-Contracting Parties which are known to be involved in the trade with *Dissostichus* spp. to urge them to become a Contracting Party to CCAMLR or to attain the status of a non-Contracting Party cooperating with CCAMLR by participating in the Catch Documentation Scheme for *Dissostichus* spp. (CDS) in accordance with the provisions of Conservation Measure 10–05 and produce a summary paper for consideration by the Commission. The Executive Secretary shall provide copies of this conservation measure and any related resolutions adopted by the Commission.

C2. The Executive Secretary shall also establish contact with any non-Contracting Party during the intersessional period, as soon as possible after it was known the non-Contracting Party was engaged in the trade with *Dissostichus* spp. The Executive Secretary shall immediately circulate any written responses to the Members of the Commission.

C3. The Executive Secretary shall encourage non-Contracting Parties to approach the CCAMLR Secretariat with requests for assistance. Proposals must demonstrate how any specific assistance requested will help to combat IUU fishing in the Convention Area. Such requests will be considered by the Commission at its annual meeting.

C4. Any non-Contracting Party that seeks to be accorded the status of non-Contracting Party cooperating with CCAMLR by participating in the CDS shall apply to the Executive Secretary requesting such status. Such requests must be received by the Executive Secretary no later than ninety (90) days in advance of an annual meeting of the CAMLR Commission in order to be considered at that meeting.

C5. Any non-Contracting Party requesting the status of a non-Contracting Party cooperating with CCAMLR by participating in the CDS shall fulfil the following requirements in order to have this status considered by the Commission:

(i) Information requirements:

(a) Communicate the data required under the CDS.

(ii) Compliance requirements:

(a) Implement all the provisions of Conservation Measure 10–05;

(b) Inform CCAMLR of all the measures taken to ensure compliance by its vessels used for the transhipments of *Dissostichus* spp. and its operators, including *inter alia,* and as appropriate, inspection at sea and in port, CDS implementation;

(c) Respond to alleged violations of CCAMLR measures by its vessels transhipping *Dissostichus* spp. and its operators, as determined by the appropriate bodies, and communicate to CCAMLR the actions taken against operators.

C6. An applicant for the status of a non-Contracting Party cooperating with CCAMLR by participating in the CDS shall also:

(i) Confirm its commitment to implement Conservation Measure 10–05; and

(ii) Inform the Commission of the measures it takes to ensure compliance by its operators with Conservation Measure 10–05.

C7. The Standing Committee for Implementation and Compliance (SCIC) shall be responsible for reviewing requests for the status of non-Contracting Party cooperating with CCAMLR by participating in the CDS and for recommending to the Commission whether the applicants should be granted such status.

C8. Annually the Commission shall review the status granted to each non-Contracting Party and may revoke this status if the non-Contracting Party concerned has not complied with the criteria for attaining such status established by this measure.

Conservation Measure 10–06 (2008)

Scheme to promote compliance by Contracting Party vessels with CCAMLR conservation measures (Species: all; Area: all; Season: all; Gear: all)

The Commission,

Convinced that illegal, unreported and unregulated (IUU) fishing compromises the objective of the Convention,

Aware that a number of vessels registered to Parties and non-Parties are engaged in activities which diminish the effectiveness of CCAMLR conservation measures,

Recalling that Contracting Parties are required to cooperate in taking appropriate action to deter any activities which are not consistent with the objective of the Convention,

Resolved to reinforce its integrated administrative and political measures aimed at eliminating IUU fishing in the Convention Area,

Hereby adopts the following conservation measure in accordance with Article IX.2(i) of the Convention:

1. At each annual meeting, the Commission will identify those Contracting Parties whose vessels have engaged in fishing activities in the Convention Area in a manner which has diminished the effectiveness of CCAMLR conservation measures in force, and shall establish a list of such vessels (CP–IUU Vessel List), in accordance with the procedures and criteria set out hereafter.

2. This identification shall be documented, *inter alia,* on reports relating to the application of Conservation Measure 10–03, trade information obtained on the basis of the implementation of Conservation Measure 10–05 and relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) and other national or international verifiable statistics, as well as any other information obtained from Port States and/or gathered from the fishing grounds which is suitably documented.

3. Where a Contracting Party obtains information that vessels flying the flag of another Contracting Party have engaged in activities set out in paragraph 5, it shall submit a report containing this information, within 30 days of having become aware of it, to the Executive Secretary and the Contracting Party concerned. Contracting Parties shall indicate that the information is provided for the purposes of considering whether to include the vessel concerned in the CP–IUU Vessel List under Conservation Measure 10–06. The Executive Secretary shall within one business day circulate the report to the other Contracting Parties and to non-Contracting Parties cooperating with the Commission by participating in the Catch Documentation Scheme for *Dissostichus* spp. (CDS), and invite them to communicate any information available to them in respect of the vessels referred to above, including their ownership, operators and their trade activities.

4. For the purposes of this conservation measure, the Contracting Parties are considered as having carried out fishing activities that have diminished the effectiveness of the conservation measures adopted by the Commission if:

(i) The Parties do not ensure compliance by their vessels with the conservation measures adopted by the Commission and in force, in respect of the fisheries in which they participate that are placed under the competence of CCAMLR;

(ii) Their vessels are repeatedly included in the CP–IUU Vessel List.

5. In order for a Contracting Party's vessel to be included in the CP–IUU Vessel List there must be evidence, gathered in accordance with paragraphs 2 and 3, that the vessel has:

(i) Engaged in fishing activities in the CCAMLR Convention Area without a licence issued in accordance with Conservation Measure 10–02, or in violation of the conditions under which such licence would have been issued in relation to authorised areas, species and time periods; or

(ii) Not recorded or not declared its catches made in the CCAMLR Convention Area in accordance with the reporting system applicable to the fisheries it engaged in, or made false declarations; or

(iii) Fished during closed fishing periods or in closed areas in contravention of CCAMLR conservation measures; or

(iv) Used prohibited gear in contravention of applicable CCAMLR conservation measures; or

(v) Transhipped or participated in joint fishing operations with, supported or re-supplied other vessels identified by CCAMLR as carrying out IUU fishing activities (*i.e.* vessels on the CP–IUU Vessel List or the NCP–IUU Vessel List established under Conservation Measure 10–07); or

(vi) Failed to provide, when required under Conservation Measure 10–05, a valid catch document for *Dissostichus* spp.; or

(vii) Engaged in fishing activities in a manner that undermines the attainment of the objectives of the Convention in waters adjacent to islands within the area to which the Convention applies over which the existence of State sovereignty is recognised by all Contracting Parties, in the terms of the statement made by the Chairman on 19 May 1980; or

(viii) Engaged in fishing activities contrary to any other CCAMLR conservation measures in a manner that undermines the attainment of the objectives of the Convention according to Article XXII of the Convention.

Draft CP–IUU Vessel List

6. The Executive Secretary shall, before 1 July of each year, draw up a draft list of Contracting Party vessels (the Draft CP–IUU Vessel List), listing all Contracting Party vessels that, on the basis of the information gathered in accordance with paragraphs 2 and 3, and any other information that the Executive Secretary might have obtained in relation thereto, and the criteria defined in paragraph 4, might be presumed to have engaged in any of the activities referred to in paragraph 5 during the period beginning 30 days before the start of the previous CCAMLR annual meeting. The Draft CP–IUU Vessel List shall be distributed immediately to the Contracting Parties concerned.

7. Contracting Parties whose vessels are included in the Draft CP–IUU Vessel List shall transmit their comments to the Executive Secretary before 1 September, including verifiable VMS data and other supporting information showing that the vessels listed have not engaged in the activities which led to their inclusion in the Draft CP–IUU Vessel List.

Provisional CP–IUU Vessel List

8. The Executive Secretary shall create a new list ('the Provisional CP–IUU Vessel List') which shall comprise the Draft CP–IUU Vessel List and all information received pursuant to paragraph 7. Before 1 October, the Executive Secretary shall transmit the Provisional CP–IUU Vessel List, the CP–IUU Vessel List agreed at the previous CCAMLR annual meeting, and any evidence or documented information received since that meeting regarding vessels on the Provisional CP–IUU Vessel List and CP–IUU Vessel List to all Contracting Parties and non-Contracting Parties cooperating with the Commission by participating in the CDS. The Executive Secretary shall at the same time:

(i) Request non-Contracting Parties cooperating with the Commission by participating in the CDS that, to the extent possible in accordance with their applicable laws and regulations, they do not register or de-register vessels that have been placed on the Provisional CP–IUU Vessel List until such time as the Commission has had the opportunity to consider the List and has made its determination;

(ii) Invite non-Contracting Parties cooperating with the Commission by participating in the CDS to submit any evidence or documented information regarding vessels on the Provisional CP–IUU Vessel List and CP–IUU Vessel List, at the latest 30 days before the start of the next CCAMLR annual meeting. Where the incident occurs within the month preceding the next CCAMLR annual meeting, evidence or documented information should be provided as soon as possible.

9. Contracting Parties shall take all necessary measures, to the extent possible in accordance with their applicable laws and regulations, in order that:

(i) They do not register or de-register vessels that have been placed on the Provisional CP–IUU List until such time as the Commission has had the opportunity to examine the List and has made its determination;

(ii) If they do de-register a vessel on the Provisional CP–IUU Vessel List they inform, where possible, the Executive Secretary of the proposed new Flag State of the vessel, whereupon the Executive Secretary shall inform that State that the vessel is on the Provisional CP–IUU Vessel List and urge that State not to register the vessel.

Proposed and Final CP–IUU Vessel List

10. Contracting Parties shall submit to the Executive Secretary any additional information which might be relevant for the establishment of the CP–IUU Vessel List within 30 days of having become aware of such information and at the latest 30 days before the start of the CCAMLR annual meeting. A report containing this information shall be submitted in the format set out in paragraph 16, and Contracting Parties shall indicate that the information is provided for the purposes of considering whether to include the vessel concerned in the CP–IUU Vessel List under Conservation Measure 10–06. The Secretariat shall collate all information received and, where this has not been provided in relation to a vessel, attempt to obtain the information in paragraphs 16(i) to (vii).

11. The Executive Secretary shall circulate to Contracting Parties, at the latest 30 days before the start of the CCAMLR annual meeting, all evidence or documented information received under paragraphs 8 and 9, together with any other evidence or documented information received in terms of paragraphs 2 and 3.

12. At each CCAMLR annual meeting, the Standing Committee on Implementation and Compliance (SCIC) shall, by consensus:

(i) Adopt a Proposed CP–IUU Vessel List, following consideration of the Provisional CP–IUU Vessel List and information and evidence circulated under paragraph 10. The Proposed CP–IUU Vessel List shall be submitted to the Commission for approval;

(ii) Recommend to the Commission which, if any, vessels should be removed from the CP–IUU Vessel List adopted at the previous CCAMLR annual meeting, following consideration of that List and information and evidence circulated under paragraph 10.

13. SCIC shall include a vessel on the Proposed CP–IUU Vessel List only if one or more of the criteria in paragraph 5 have been satisfied.

14. SCIC shall recommend that the Commission should remove a vessel from the CP–IUU Vessel List if the Contracting Party proves that:

(i) The vessel did not take part in the activities described in paragraph 1 which led to the inclusion of the vessel in the CP–IUU Vessel List; or

(ii) It has taken effective action in response to the activities in question, including prosecution and imposition of sanctions of adequate severity; or

(iii) The vessel has changed ownership, including beneficial ownership if known to be distinct from the registered ownership, and that the new owner can establish the previous owner no longer has any legal, financial, or real interests in the vessel, or exercises control over it and that the new owner has not participated in IUU fishing; or

(iv) It has taken measures considered sufficient to ensure the granting of the right to the vessel to fly its flag will not result in IUU fishing.

15. In order to facilitate the work of SCIC and the Commission, the Executive Secretary shall prepare a paper for each CCAMLR annual meeting, summarising and annexing all the information, evidence and comments submitted in respect of each vessel to be considered.

16. The Draft CP–IUU Vessel List, Provisional CP–IUU Vessel List, Proposed CP–IUU Vessel List and the CP–IUU Vessel List shall contain the following details:

(i) Name of vessel and previous names, if any;

(ii) Flag of vessel and previous flags, if any;

(iii) Owner of vessel and previous owners, including beneficial owners, if any;

(iv) Operator of vessel and previous operators, if any;

(v) Call sign of vessel and previous call signs, if any;

(vi) Lloyds/IMO number;

(vii) Photographs of the vessel, where available;

(viii) Date vessel was first included on the CP–IUU Vessel List;

(ix) Summary of activities which justify inclusion of the vessel on the List, together with references to all relevant documents informing of and evidencing those activities;

(x) Date and location of subsequent sightings of the vessel in the Convention Area, if any, and of any other related activities performed by the vessel contrary to CCAMLR conservation measures.

17. On approval of the CP–IUU Vessel List, the Commission shall request Contracting Parties whose vessels appear thereon to take all necessary measures to address these activities, including if necessary, the withdrawal of the registration or of the fishing licences of these vessels, the nullification of the relevant catch documents and denial of further access to the CDS, and to inform the Commission of the measures taken in this respect.

18. Contracting Parties shall take all necessary measures, subject to and in accordance with their applicable laws and regulations and international law, in order that:

(i) The issuance of a licence to vessels on the CP–IUU Vessel List to fish in the Convention Area is prohibited;

(ii) The issuance of a licence to vessels on the CP–IUU Vessel List to fish in waters under their fisheries jurisdiction is prohibited;

(iii) Fishing vessels, support vessels, refuel vessels, mother-ships and cargo vessels flying their flag do not in any way, in the Convention Area, assist vessels on the CP–IUU Vessel List by participating in any transhipment or joint fishing operations, supporting or resupplying such vessels;

(iv) Vessels on the CP–IUU Vessel List should be denied access to ports unless for the purpose of enforcement action or for reasons of *force majeure* or for rendering assistance to vessels, or persons on those vessels, in danger or distress. Vessels allowed entry to port are to be inspected in accordance with relevant conservation measures;

(v) Where port access is granted to such vessels:

(a) Documentation and other information, including DCDs where relevant are examined, with a view to verifying the area in which the catch was taken; and where the origin cannot be adequately verified, the catch is detained or any landing or transhipment of the catch is refused; and

(b) Where possible

i. In the event catch is found to be taken in contravention of CCAMLR conservation measures, catch is confiscated;

ii. All support to such vessels, including non-emergency refuelling, resupplying and repairs is prohibited;

(vi) The chartering of vessels on the CP–IUU Vessel List is prohibited;

(vii) Granting of their flag to vessels on the CP–IUU Vessel List is refused;

(viii) Imports, exports and re-exports of *Dissostichus* spp. from vessels on the CP–IUU Vessel List are prohibited;

(ix) 'Export or Re-export Government Authority Validation' is not certified when the shipment (of *Dissostichus* spp.) is declared to have been caught by any vessel on the CP–IUU Vessel List;

(x) Importers, transporters and other sectors concerned are encouraged to refrain from dealing with and from transhipping of fish caught by vessels on the CP–IUU Vessel List;

(xi) Any appropriate information which is suitably documented is collected and submitted to the Executive Secretary, to be forwarded to Contracting Parties, and non-Contracting Parties, entities or fishing entities cooperating with the Commission by participating in the CDS, with the aim of detecting, controlling and preventing the importation or exportation of, and other trade-related activities relating to, catches from vessels on the CP–IUU Vessel List intended to circumvent this conservation measure.

19. The Executive Secretary shall place the CP–IUU Vessel List approved by the Commission on the public section of the CCAMLR Web site. Furthermore, the Executive Secretary shall communicate the CP–IUU Vessel List to the FAO and appropriate regional fisheries organisations to enhance cooperation between CCAMLR and these organisations for the purposes of preventing, deterring and eliminating IUU fishing.

20. The Executive Secretary shall circulate to non-Contracting Parties cooperating with the Commission by participating in the CDS, the CP–IUU Vessel List, together with the request that, to the extent possible in accordance with their applicable laws and regulations, they do not register vessels that have been placed on the List unless they are removed from the List by the Commission.

21. If Contracting Parties obtain new or changed information for vessels on the CP–IUU Vessel List in relation to the details in paragraphs 16(i) to (vii), they shall notify the Executive Secretary who shall place a notification on the secure section of the CCAMLR Web site and advise all Contracting Parties of the notification. If there are no comments on the information within seven (7) days, the Executive Secretary will revise the CP–IUU Vessel List.

22. Without prejudice to their rights to take proper action consistent with international law, Contracting Parties should not take any trade measures or other sanctions which are inconsistent with their international obligations against vessels using as the basis for the action the fact that the vessel or vessels have been included in the Draft CP–IUU Vessel List drawn up by the Executive Secretary, pursuant to paragraph 6.

23. The Chair of the Commission shall request the Contracting Parties identified pursuant to paragraph 1 to take all necessary measures to avoid diminishing the effectiveness of CCAMLR conservation measures resulting from their vessels' activities, and to advise the Commission of actions taken in that regard.

24. The Commission shall review, at subsequent CCAMLR annual meetings, as appropriate, action taken by those Contracting Parties to which requests have been made pursuant to paragraph 23, and identify those which have not rectified their activities.

25. The Commission shall decide appropriate measures to be taken in respect to *Dissostichus* spp. so as to address these issues with those identified Contracting Parties. In this respect, Contracting Parties may cooperate to adopt appropriate multilaterally agreed trade-related measures, consistent with their obligations as members of the World Trade Organization, that may be necessary to prevent, deter and eliminate the IUU activities identified by the Commission. Multilateral trade-related measures may be used to support cooperative efforts to ensure that trade in *Dissostichus* spp. and its products does not in any way encourage IUU fishing or otherwise diminish the effectiveness of CCAMLR's conservation measures which are consistent with the United Nations Convention on the Law of the Sea 1982.

Conservation Measure 10–07 (2008)

Scheme to promote compliance by non-Contracting Party vessels with CCAMLR conservation measures (Species: all; Area: all; Season: all; Gear: all)

The Commission,

Convinced that illegal, unreported and unregulated (IUU) fishing compromises the objective of the Convention,

Aware that a significant number of vessels registered to non-Contracting Parties are engaged in activities which diminish the effectiveness of CCAMLR conservation measures,

Recalling that Contracting Parties are required to cooperate in taking appropriate action to deter any activities which are not consistent with the objective of the Convention,

Resolved to reinforce its integrated administrative and political measures aimed at eliminating IUU fishing in the Convention Area,

Hereby adopts the following conservation measure in accordance with Article IX.2(i) of the Convention:

1. The Contracting Parties request non-Contracting Parties to cooperate fully with the Commission with a view to ensuring that the effectiveness of CCAMLR conservation measures is not undermined.

2. At each annual meeting the Commission shall identify those non-Contracting Parties whose vessels are engaged in IUU fishing activities in the Convention Area that threaten to undermine the effectiveness of CCAMLR conservation measures, and shall establish a list of such vessels (NCP–IUU Vessel List), in accordance with the procedures and criteria set out hereafter.

3. This identification shall be documented, *inter alia,* on reports relating to the application of Conservation Measure 10–03, trade information obtained on the basis of the implementation of Conservation Measure 10–05 and relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) and other national or international verifiable statistics, as well as any other information obtained from Port States and/or gathered from the fishing grounds which is suitably documented.

4. A non-Contracting Party vessel which has been sighted engaging in fishing activities in the Convention Area or which has been denied port access, landing or transhipment in accordance with Conservation Measure 10–03 is presumed to be undermining the effectiveness of CCAMLR conservation measures. In the case of any transhipment activities involving a sighted non-Contracting Party vessel inside or outside the Convention Area, the presumption of undermining the effectiveness of CCAMLR conservation measures applies to any other non-Contracting Party vessel which has engaged in such activities with that vessel.

5. When a non-Contracting Party vessel referred to in paragraph 4 enters a port of any Contracting Party, it shall be inspected by authorised Contracting

Party officials in accordance with Conservation Measure 10–03 and shall not be allowed to land or tranship any fish species subject to CCAMLR conservation measures it might be holding on board unless the vessel establishes that the fish were caught in compliance with all relevant CCAMLR conservation measures and requirements under this Convention.

6. A Contracting Party which sights a non-Contracting Party vessel engaging in fishing activities in the Convention Area or denies a non-Contracting Party port access, landing or transhipment under paragraph 5 shall attempt to inform the vessel that it is presumed to be undermining the effectiveness of CCAMLR conservation measures, and that this information will be distributed to the Executive Secretary, all Contracting Parties and the Flag State of the vessel.

7. Information regarding such sightings or denial of port access, landings or transhipments, and the result of all inspections conducted in the ports of Contracting Parties, and any subsequent action shall be transmitted within one business day to the Commission in accordance with Article XXII of the Convention. The Executive Secretary shall transmit this information to all Contracting Parties, within one business day of receiving it, and to the Flag State of the vessel concerned as soon as possible and to appropriate regional fisheries organisations. At this time, the Executive Secretary shall, in consultation with the Chair of the Commission, request the Flag State concerned that, where appropriate, measures be taken in accordance with its applicable laws and regulations to ensure that the vessel desists from any activities that undermine the effectiveness of CCAMLR conservation measures, and that the Flag State report back to CCAMLR on the results of such enquiries and/or on the measures it has taken in respect of the vessel. The other Contracting Parties and non-Contracting Parties cooperating with the Commission by participating in the Catch Documentation Scheme for *Dissostichus* spp. (CDS) shall be invited to communicate any information available to them in respect of the vessels referred to above, including their ownership, operators and their trade activities.

8. Where a Contracting Party obtains information that a non-Contracting Party vessel has engaged in activities set out in paragraph 9, it shall submit a report containing this information, within 30 days of having become aware of it, to the Executive Secretary (including where such information has already been transmitted under paragraph 7). Contracting Parties shall indicate that the information is provided for the purposes of considering whether to include the vessel concerned in the NCP–IUU Vessel List under Conservation Measure 10–07. In addition, the Contracting Party may also submit the report directly to the non-Contracting Party concerned. The Executive Secretary shall promptly forward the information to the non-Contracting Party concerned, indicating that it has been provided for the purposes of considering whether to include the vessel concerned in the NCP–IUU Vessel List under Conservation Measure 10–07. The Executive Secretary shall request that the Flag State take action to prevent the vessel undertaking any activities that undermine the effectiveness of CCAMLR conservation measures and that the Flag State report back to CCAMLR on the measures it has taken in respect of the vessel concerned. The Executive Secretary shall circulate the information and any report from the Flag State to all other Contracting Parties as soon as possible.

9. In order for a non-Contracting Party's vessel to be included in the NCP–IUU Vessel List, there must be evidence, gathered in accordance with paragraphs 3 and 8, that the vessel has:

(i) Been sighted engaging in fishing activities in the CCAMLR Convention Area; or

(ii) Been denied port access, landing or transhipment in accordance with Conservation Measure 10–03; or

(iii) Transhipped or participated in joint fishing operations with, supported or resupplied other vessels identified by CCAMLR as carrying out IUU fishing activities (*i.e.* vessels on the NCP–IUU Vessel List or the CP–IUU Vessel List established under Conservation Measure 10–06); or

(iv) Failed to provide, when required under Conservation Measure 10–05, a valid catch document for *Dissostichus* spp.; or

(v) Engaged in fishing activities in a manner that undermines the attainment of the objectives of the Convention in waters adjacent to islands within the area to which the Convention applies over which the existence of State sovereignty is recognised by all Contracting Parties, in the terms of the statement made by the Chairman on 19 May 1980; or

(vi) Engaged in fishing activities contrary to any other CCAMLR conservation measures in a manner that undermines the attainment of the objectives of the Convention according to Article XXII of the Convention.

Draft NCP–IUU Vessel List

10. The Executive Secretary shall, before 1 July of each year, draw up a draft list ('the Draft NCP–IUU Vessel List'), listing all non-Contracting Party vessels that, on the basis of the information gathered in accordance with paragraphs 3 and 8 and any other information that the Executive Secretary might have obtained in relation thereto, might be presumed to have engaged in any of the activities referred to in paragraph 9 during the period beginning 30 days before the start of the previous CCAMLR annual meeting. The Draft NCP–IUU Vessel List shall be distributed immediately to the non-Contracting Parties concerned and to all Contracting Parties.

11. The Executive Secretary shall invite non-Contracting Parties whose vessels are included in the Draft NCP–IUU Vessel List to transmit their comments to the Executive Secretary before 1 September, including verifiable VMS data and other supporting information showing that the vessels listed have not engaged in the activities which led to their inclusion in the Draft NCP–IUU Vessel List.

Provisional NCP–IUU Vessel List

12. The Executive Secretary shall create a new list ('the Provisional NCP–IUU Vessel List') which shall comprise the Draft NCP–IUU Vessel List and all information received pursuant to paragraph 11. Before 1 October, the Executive Secretary shall transmit the Provisional NCP–IUU Vessel List, the NCP–IUU Vessel List agreed at the previous CCAMLR annual meeting, and any evidence or documented information received since that meeting regarding vessels on the Provisional NCP–IUU Vessel List or the NCP–IUU Vessel List to all Contracting Parties and non-Contracting Parties cooperating with the Commission by participating in the CDS. The Executive Secretary shall at the same time:

(i) Request non-Contracting Parties cooperating with the Commission by participating in the CDS that, to the extent possible in accordance with their applicable laws and regulations, they do not register or de-register vessels that have been placed on the List until such time as the Commission has had the opportunity to consider the List and has made its determination;

(ii) Invite non-Contracting Parties cooperating with the Commission by participating in the CDS to submit any evidence or documented information regarding vessels on the Provisional NCP–IUU Vessel List and NCP–IUU Vessel List, at the latest 30 days before

the start of the next CCAMLR annual meeting. Where the incident occurs within the month preceding the next CCAMLR annual meeting, evidence or documented information should be provided as soon as possible;

(iii) Transmit the Provisional NCP–IUU Vessel List and any evidence or documented information received regarding vessels on that List to all non-Contracting Parties whose vessels are included in the List and who are not non-Contracting Parties cooperating with the Commission by participating in the CDS.

13. Contracting Parties shall take all necessary measures, to the extent possible in accordance with their applicable laws and regulations, in order that:

(i) They do not register vessels that have been placed on the Provisional NCP–IUU Vessel List until such time as the Commission has had the opportunity to examine the List and has made its determination;

(ii) If they do de-register a vessel on the Provisional NCP–IUU Vessel List they inform, where possible, the Executive Secretary of the proposed new Flag State of the vessel, whereupon the Executive Secretary shall inform that State that the vessel is on the Provisional NCP–IUU Vessel List and urge that State not to register the vessel.

Proposed and Final NCP–IUU Vessel List

14. Contracting Parties shall submit to the Executive Secretary any additional information which might be relevant for the establishment of the NCP–IUU Vessel List within 30 days of having become aware of such information and at the latest 30 days before the start of the CCAMLR annual meeting. A report containing this information shall be submitted in the format set out in paragraph 20, and Contracting Parties shall indicate that the information is provided for the purposes of considering whether to include the vessel concerned in the NCP–IUU Vessel List under Conservation Measure 10–07. The Executive Secretary shall collate all information received and, where this has not been provided in relation to a vessel, attempt to obtain the information in paragraphs 20(i) to (vii).

15. The Executive Secretary shall circulate to Contracting Parties, at the latest 30 days before the start of the CCAMLR annual meeting, all evidence or documented information received under paragraphs 12 and 13, together with any other evidence or documented information received in terms of paragraphs 3 and 8.

16. At each CCAMLR annual meeting, the Standing Committee on Implementation and Compliance (SCIC) shall, by consensus:

(i) Adopt a Proposed NCP–IUU Vessel List, following consideration of the Provisional NCP–IUU Vessel List and information and evidence circulated under paragraph 14. The Proposed NCP–IUU Vessel List shall be submitted to the Commission for approval;

(ii) Recommend to the Commission which, if any, vessels should be removed from the NCP–IUU Vessel List adopted at the previous CCAMLR annual meeting, following consideration of that List and information and evidence circulated under paragraph 14.

17. SCIC shall include a vessel on the Proposed NCP–IUU Vessel List only if one or more of the criteria in paragraph 9 have been satisfied.

18. SCIC shall recommend that the Commission should remove a vessel from the NCP–IUU Vessel List if the non-Contracting Party proves that:

(i) The vessel did not take part in the activities described in paragraph 9 which led to the inclusion of the vessel in the NCP–IUU Vessel List; or

(ii) It has taken effective action in response to the activities in question, including prosecution and imposition of sanctions of adequate severity; or

(iii) The vessel has changed ownership including beneficial ownership if known to be distinct from the registered ownership and that the new owner can establish the previous owner no longer has any legal, financial, or real interests in the vessel, or exercises control over it and that the new owner has not participated in IUU fishing; or

(iv) It has taken measures considered sufficient to ensure the granting of the right to the vessel to fly its flag will not result in IUU fishing.

19. In order to facilitate the work of SCIC and the Commission, the Executive Secretary shall prepare a paper for each CCAMLR annual meeting, summarising and annexing all the information, evidence and comments submitted in respect of each vessel to be considered.

20. The Draft NCP–IUU Vessel List, Provisional NCP–IUU Vessel List, Proposed NCP–IUU Vessel List and the NCP–IUU Vessel List shall contain the following details:

(i) Name of vessel and previous names, if any;

(ii) Flag of vessel and previous flags, if any;

(iii) Owner of vessel and previous owners including beneficial owners, if any;

(iv) Operator of vessel and previous operators, if any;

(v) Call sign of vessel and previous call signs, if any;

(vi) Lloyds/IMO number;

(vii) Photographs of the vessel, where available;

(viii) Date vessel was first included on the NCP–IUU Vessel List;

(ix) Summary of activities which justify inclusion of the vessel in the List, together with references to all relevant documents informing of and evidencing those activities;

(x) Date and location of subsequent sightings of the vessel in the Convention Area, if any, and of any other related activities performed by the vessel contrary to CCAMLR conservation measures.

21. On approval of the NCP–IUU Vessel List, the Commission shall request non-Contracting Parties whose vessels appear thereon to take all necessary measures to address these activities, including if necessary, the withdrawal of the registration or of the fishing licences of these vessels, the nullification of the relevant catch documents and denial of further access to the CDS, and to inform the Commission of the measures taken in this respect.

22. Contracting Parties shall take all necessary measures, subject to and in accordance with their applicable laws and regulations and international law, in order that:

(i) The issuance of a licence to vessels on the NCP–IUU Vessel List to fish in waters under their fisheries jurisdiction is prohibited;

(ii) Fishing vessels, support vessels, refuel vessels, mother-ships and cargo vessels flying their flag do not in any way assist vessels on the NCP–IUU Vessel List by participating in any transhipment or joint fishing operations, supporting or resupplying such vessels;

(iii) Vessels on the NCP–IUU Vessel List should be denied access to ports unless for the purpose of enforcement action or for reasons of *force majeure* or for rendering assistance to vessels, or persons on those vessels, in danger or distress. Vessels allowed entry to port are to be inspected in accordance with relevant conservation measures;

(iv) Where port access is granted to such vessels:

(a) Documentation and other information, including DCDs where relevant are examined, with a view to verifying the area in which the catch was taken; and where the origin cannot be adequately verified, the catch is detained or any landing or transhipment of the catch is refused; and

(b) Where possible

i. In the event catch is found to be taken in contravention of CCAMLR conservation measures, catch is confiscated;

ii. All support to such vessels, including non-emergency refuelling, resupplying and repairs is prohibited;

(v) The chartering of vessels on the NCP–IUU Vessel List is prohibited;

(vi) Granting of their flag to vessels on the NCP–IUU Vessel List is refused;

(vii) Imports, exports and re-exports of *Dissostichus* spp. from vessels on the NCP–IUU Vessel List are prohibited;

(viii) ''Export or Re-export Government Authority Validation'' is not certified when the shipment (of *Dissostichus* spp.) is declared to have been caught by any vessel on the NCP–IUU Vessel List;

(ix) Importers, transporters and other sectors concerned are encouraged to refrain from dealing with and from transhipping of fish caught by vessels on the NCP–IUU Vessel List;

(x) Any appropriate information which is suitably documented is collected and submitted to the Executive Secretary, to be forwarded to Contracting Parties and non-Contracting Parties, entities or fishing entities cooperating with the Commission by participating in the CDS, with the aim of detecting, controlling and preventing the importation or exportation of, and other trade-related activities relating to, catches from vessels on the NCP–IUU Vessel List intended to circumvent this conservation measure.

23. The Executive Secretary shall place the NCP–IUU Vessel List approved by the Commission on the public section of the CCAMLR Web site. Furthermore, the Executive Secretary shall communicate the NCP–IUU Vessel List to the FAO and appropriate regional fisheries organisations to enhance cooperation between CCAMLR and these organisations for the purposes of preventing, deterring and eliminating IUU fishing.

24. The Executive Secretary shall circulate to non-Contracting Parties cooperating with the Commission by participating in the CDS the NCP–IUU Vessel List, together with the request that, to the extent possible in accordance with their applicable laws and regulations, they do not register vessels that have been placed on the List unless they are removed from the List by the Commission.

25. If Contracting Parties obtain new or changed information for vessels on the NCP–IUU Vessel List in relation to the details in paragraphs 20(i) to (vii), they shall notify the Executive Secretary who shall place a notification on the secure section of the CCAMLR Web site and advise all Contracting Parties and the non-Contracting Party concerned of the notification. If there are no comments on the information within seven (7) days, the Executive Secretary will revise the NCP–IUU Vessel List.

26. Without prejudice to their rights to take proper action consistent with international law, Contracting Parties should not take any trade measures or other sanctions which are inconsistent with their international obligations against vessels using as the basis for the action the fact that the vessel or vessels have been included in the Draft NCP–IUU Vessel List drawn up by the Executive Secretary, pursuant to paragraph 10.

27. The Chair of the Commission shall request the non-Contracting Parties identified pursuant to paragraph 1 to take all necessary measures to avoid diminishing the effectiveness of CCAMLR conservation measures resulting from their vessels' activities, including if necessary withdrawal of a vessel's registration or fishing licence, nullification of the relevant CDS documents and denial of further access to the CDS, and to advise the Commission of actions taken in that regard.

28. Contracting Parties shall jointly and/or individually request non-Contracting Parties identified pursuant to paragraph 2 to cooperate fully with the Commission in order to avoid diminishing the effectiveness of conservation measures adopted by the Commission.

29. The Commission shall review, at subsequent CCAMLR annual meetings, as appropriate, action taken by those non-Contracting Parties to which requests have been made pursuant to paragraph 26, and identify those which have not rectified their activities.

30. The Commission shall decide appropriate measures to be taken in respect to *Dissostichus* spp. so as to address these issues with those identified non-Contracting Parties. In this respect, Contracting Parties may cooperate to adopt appropriate multilaterally agreed trade-related measures, consistent with their obligations as members of the World Trade Organization, that may be necessary to prevent, deter and eliminate the IUU activities identified by the Commission. Multilateral trade-related measures may be used to support cooperative efforts to ensure that trade in *Dissostichus* spp. and its products does not in any way encourage IUU fishing or otherwise diminish the effectiveness of CCAMLR's conservation measures which are consistent with the United Nations Convention on the Law of the Sea 1982.

Conservation Measure 10–09 (2008)

Notification system for transhipments within the Convention Area

(Species: various; Area: various; Season: all; Fishery: various)

The Commission,

Desiring to improve knowledge within CCAMLR of all vessels operating within the Convention Area, and in particular those which offer support to harvesting vessels,

Noting that an increasing number of vessels are operating within the Convention Area, either engaged directly in harvesting activities or in providing support to those vessels,

Recognising the need to increase the control over transhipment operations which support the harvesting of species within the Convention Area,

Concerned that vessels involved in the support of illegal, unreported and unregulated (IUU) fishing may be operating inside the Convention Area,

Taking account of the need to combat IUU fishing activities because they undermine the effectiveness of the conservation measures already adopted by CCAMLR,

Hereby adopts the following conservation measure in accordance with Article IX of the Convention:

1. This conservation measure applies to all CCAMLR new and exploratory fisheries as well as to those listed in Annex 10–09/A.

2. Each Contracting Party as a Flag State shall notify the Secretariat at least 72 hours in advance if any of its vessels intend to tranship [1] within the Convention Area. The Flag State may permit or direct that such notifications be provided by the vessel directly to the Secretariat.

3. Notifications of intended transhipment operations shall include the following information, for all carrier vessels involved:

- Name and registration number
- International radio call sign
- Flag State
- Type of vessels, length, gross registered tonnage (GRT) and carrying capacity
- Proposed time and position, in latitude and longitude, of transhipment.

The notification should also include details of the type and amount of catches and other goods, such as food stores and fuel, being transhipped.

4. The CCAMLR Secretariat shall maintain a list of all such notifications on the password-protected part of its Web site, in a manner consistent with confidentiality requirements notified by CCAMLR Contracting Parties for their vessels.

5. For fisheries not covered by the provisions of paragraph 1, CCAMLR Contracting Parties shall provide, as a background paper to the annual meeting of the Commission, a report including details set out in paragraph 3 of all transhipments activities in the Convention Area of the vessels flying their flag, during the previous year.

6. No vessel covered by paragraph 1 may tranship to any vessel within the Convention Area for which prior notification, pursuant to paragraphs 1 to 3 above, has not been given.

7. The Commission shall review the implementation of this conservation measure at its 2010 meeting.

[1] Transhipment means the transfer of harvested marine living resources and any other goods or materials to or from fishing vessels.

Annex 10–09/A

Additional Fisheries to Which This Conservation Measure Applies

Target species	Statistical subarea/division	Fishing gear
Dissostichus eleginoides	Subarea 48.3	Longline
	Division 58.5.2	Longline, pot, trawl
Dissostichus spp.	Subarea 48.4	Longline
Champsocephalus gunnari	Subarea 48.3	Trawl
	Division 58.5.2	Trawl
Crab	Subarea 48.3	Pot

Conservation Measure 21–01 (2008) [1, 2]

Notification that Members are considering initiating a new fishery. (Species: all; Area: all; Season: all; Gear: all)

The Commission,

Recognising that in the past, Antarctic fisheries have been initiated in the Convention Area before sufficient information was available upon which to base management advice,

Noting that in recent years new fisheries have started without adequate information being available to evaluate either the fishery potential or the possible impacts on the target stocks or species dependent on them,

Believing that without prior notification of a new fishery, the Commission is unable to fulfil its function under Article IX,

Hereby adopts the following conservation measure in accordance with Article IX of the Convention:

1. A new fishery, for the purposes of this conservation measure, is a fishery on a species using a particular fishing method in a statistical subarea or division for which:

(i) Information on distribution, abundance, demography, potential yield and stock identity from comprehensive research/surveys or exploratory fishing have not been submitted to CCAMLR;

or

(ii) Catch and effort data have never been submitted to CCAMLR;

or

(iii) Catch and effort data from the two most recent seasons in which fishing occurred have not been submitted to CCAMLR.

2. In addition to those fisheries identified according to paragraph 1, the use of fishing methods in high-seas areas of the Convention Area as specified in Annex 21–01/A will constitute new fisheries and will require approval of the Commission for specific areas before proceeding.

3. Any Member proposing to participate in a new fishery shall:

(i) Notify its intention to the Commission not less than three months in advance of the next regular meeting of the Commission. This notification shall include the information prescribed in paragraph 4 of Conservation Measure 10–02 in respect of vessels proposing to participate in the fishery, with the exception that the notification shall not be required to specify the information referred to in subparagraph 4(ii) of Conservation Measure 10–02. Members shall, to the extent practicable, also provide in their notification the additional information detailed in paragraph 5 of Conservation Measure 10–02 in respect to each fishing vessel notified. Members are not hereby exempted from their obligations under Conservation Measure 10–02 to submit any necessary updates to vessel and licence details within the deadline established therein as of issuance of the licence to the vessel concerned;

(ii) Prepare and submit to CCAMLR by a specified date a Fishery Operations Plan for the fishing season, for review by the Scientific Committee and the Commission. The Fishery Operations Plan shall include as much of the following information as the Member is able to provide, so as to assist the Scientific Committee in its preparation of the Data Collection Plan:

(a) The nature of the new fishery, including target species, methods of fishing, proposed region and maximum catch levels proposed for the forthcoming season;

(b) Biological information on the target species from comprehensive research/survey cruises, such as distribution, abundance, demographic data and information on stock identity;

(c) Details of dependent and related species and the likelihood of their being affected by the proposed fishery;

(d) Information from other fisheries in the region or similar fisheries elsewhere that may assist in the evaluation of potential yield;

(e) If the proposed fishery will be undertaken using bottom trawl gear, information on the known and anticipated impacts of this gear on vulnerable marine ecosystems, including benthos and benthic communities.

(iii) Provide a commitment, in its proposal, to implement any Data Collection Plan developed by the Scientific Committee for the fishery.

4. The Member shall not initiate a new fishery pending the process specified in paragraphs 8 and 9 below.

5. To ensure that adequate information is made available to the Scientific Committee for evaluation, during the period when a fishery is classified as new, the Scientific Committee shall develop (and update annually as appropriate) a Data Collection Plan, which should include research proposals, as appropriate. This shall identify the data needed and describe any operational research actions necessary to obtain the relevant data from the new fishery to enable an assessment of the stock to be made.

6. The Data Collection Plan shall include, where appropriate:

(i) A description of the catch, effort and related biological, ecological and environmental data required to undertake the evaluations described in paragraph 1, and the date by which such data are to be reported annually to CCAMLR;

(ii) A plan for directing fishing effort during the initial phase to permit the acquisition of relevant data to evaluate the fishery potential and the ecological relationships among harvested,

dependent and related populations and the likelihood of adverse impacts;

(iii) Where appropriate, a plan for the acquisition of any other research data by fishing vessels, including activities that may require the cooperative activities of scientific observers and the vessel, as may be required for the Scientific Committee to evaluate the fishery potential and the ecological relationships among harvested, dependent and related populations and the likelihood of adverse impacts;

(iv) An evaluation of the time scales involved in determining the responses of harvested, dependent and related populations to fishing activities.

7. New fisheries shall be open only to those vessels that are equipped and configured so that they can comply with all relevant conservation measures. A vessel with a confirmed involvement in illegal, unreported or unregulated fishing in respect of Conservation Measures 10–06 and 10–07 shall not be permitted to participate in new fisheries.

8. The information provided in accordance with paragraphs 3 to 7, together with any other relevant information, shall be considered by the Scientific Committee, which shall then advise the Commission.

9. After its review of the information on the proposed new fishery, taking full account of the recommendations and the advice of the Scientific Committee, the Commission may then take such action as it deems necessary.

[1] Except for waters adjacent to the Kerguelen and Crozet Islands.

[2] Except for waters adjacent to the Prince Edward Islands.

Annex 21–01/A

Additional Fishing Methods

Bottom trawling in high-seas areas of the Convention Area.

Conservation Measure 21–03 (2008)

Notifications of intent to participate in a fishery for *Euphausia superba* (Species: krill; Area: all; Season: all; Gear: all)

1. In order for the Scientific Committee to thoroughly study the notifications to fish for krill for the coming season, all Members of the Commission intending to fish for krill in the Convention Area shall notify the Secretariat of their intention not later than 1 June prior to the annual meeting of the Commission, immediately prior to the season in which they intend to fish, using the pro formas in Annex 21–03/A and Annex 21–03/B.

2. This notification shall include the information prescribed in paragraph 4 of Conservation Measure 10–02 in respect of each vessel proposing to participate in the fishery, with the exception that the notification shall not be required to specify the information referred to in subparagraph 4(ii) of Conservation Measure 10–02. Members shall, to the extent practicable, also provide in their notification the additional information detailed in paragraph 5 of Conservation Measure 10–02 in respect to each fishing vessel notified. Members are not hereby exempted from their obligations under Conservation Measure 10–02 to submit any necessary updates to vessel and licence details within the deadline established therein as of issuance of the licence to the vessel concerned.

3. A Member intending to fish for krill in the Convention Area may only notify in respect of vessels flying its flag at the time of the notification.

4. Members shall ensure, including by submitting notifications by the due date, appropriate review by the Commission of notifications to fish for krill in the Convention Area before a vessel commences fishing.

5. Notwithstanding paragraph 4, Members shall be entitled under Conservation Measure 10–02 to authorise participation in a krill fishery by a vessel other than that notified to the Commission in accordance with paragraph 2, if the notified vessel is prevented from participation due to legitimate operational reasons or *force majeure.* In such circumstances the Member concerned shall immediately inform the Secretariat providing:

(i) Full details of the intended replacement vessel(s) as prescribed in paragraph 2;

(ii) A comprehensive account of the reasons justifying the replacement and any relevant supporting evidence or references.

The Secretariat shall immediately circulate this information to all Members.

6. A vessel on either of the IUU Vessel Lists established under Conservation Measures 10–06 and 10–07 shall not be permitted by Members to participate in krill fisheries.

7. The Secretariat shall provide the Commission and its relevant subsidiary bodies with information regarding substantial discrepancies between notifications and actual catches in the krill fishery in the latest season.

ANNEX 21-03/A

NOTIFICATION OF INTENT TO PARTICIPATE IN A FISHERY

FOR EUPHAUSIA SUPERBA

Member: _____

Fishing season: _____

Name of vessel: _____

Expected level of catch (tonnes): _____

Fishing technique[1]: ☐ Conventional trawl

☐ Continuous fishing system

☐ Pumping to clear codend

☐ Other methods: Please specify _____

Method used for direct estimate of green weight of krill caught: _____

Products to be derived from the catch[2]:

Product type	% of catch

Notified fishing areas and months

Statistical subarea/division	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
48.1												
48.2												
48.3												
48.4												
48.5												
48.6												
58.4.1												
58.4.2												
88.1												
88.2												
88.3												

X Mark boxes where and when the notified vessel(s) is/are most likely to operate.

Precautionary catch limits not set, therefore considered as exploratory fisheries.

Note that the details provided here are for information only and do not preclude operation in areas or times which were not specified.

[1] Notifications to fish for krill under exploratory fisheries shall be notified under Conservation Measure 21-02. The deadline of 1 June for the submission of notifications applicable to this conservation measure shall, however, apply to exploratory fishery notifications for krill to allow for their consideration by the Working Group on Ecosystem Monitoring and Management (WG-EMM). WG-EMM will review the notifications and advise whether Conservation Measure 21-02 is appropriate. If WG-EMM advises that Conservation Measure 21-02 is appropriate, then it shall request the notifying Member to supply a Data Collection Plan for consideration by the Scientific Committee.

[2] Information to be provided to the extent possible.

ANNEX 21-03/B

NET CONFIGURATION AND USE OF FISHING TECHNIQUES

AS LISTED IN ANNEX 21-03/A

NET OPENING (MOUTH) CIRCUMFERENCE (M)	VERTICAL OPENING (M)	HORIZONTAL OPENING (M)

Net Panel length and mesh size

PANEL	LENGTH (M)	MESH SIZE (MM)
1ST PANEL		
2ND PANEL		
3RD PANEL		
.....		
.....		

FINAL PANEL (CODEND)		

Provide diagram of each net configuration used

Use of multiple fishing techniques*: Yes No

*If yes, frequency of switch between fishing techniques: _____

	Fishing technique	Expected proportion of time to be used (%)
1		
2		
3		
4		
5		
…		
		Total 100%

Presence of marine mammal exclusion device*: Yes No

*If yes, provide design of the device:

Provide explanation of fishing techniques, gear configuration and characteristics and fishing patterns:

Conservation Measure 22–05 (2008)

Restrictions on the use of bottom trawling gear in high-seas areas of the Convention Area

(Species: all; Area: high seas; Season: all; Gear: bottom trawl)

The Commission hereby adopts the following conservation measure in accordance with Article IX of the Convention:

1. The use of bottom trawling gear in the high-seas areas of the Convention Area is restricted to areas for which the Commission has conservation measures in force for bottom trawling gear.

2. This conservation measure does not apply to the use of bottom trawling gear in conducting scientific research in the Convention Area.

Conservation Measure 22–06 (2008) [1 2]

Bottom fishing in the Convention Area

(Species: all; Area: see paragraphs 1, 2; Season: all; Gear: bottom fishing)

The Commission,

Recognising the commitment made by Members to implement the CCAMLR precautionary and ecosystem approaches to fisheries management by embracing principles of conservation as stated in Article II of the Convention,

Conscious of the urgent need to protect vulnerable marine ecosystems (VMEs) from bottom fishing activities that have significant adverse impacts on such ecosystems,

Noting that United Nations General Assembly Resolution 61/105, adopted on 8 December 2006, calls on regional fisheries management organisations or arrangements with the competence to

regulate bottom fisheries to adopt and implement measures to prevent significant adverse impacts of bottom fisheries on VMEs and noting further that all CCAMLR Members joined in the consensus by which this resolution was adopted,

Noting also the importance of Article IX of the Convention, including the use of the best scientific evidence available,

Aware of the steps already taken by CCAMLR to address the impacts of deep-sea gillnetting and bottom trawling in the Convention Area, through the implementation of Conservation Measures 22–04 and 22–05 respectively,

Recognising that CCAMLR has responsibilities for the conservation of Antarctic marine living resources, part of which include the attributes of a regional fisheries management organisation,

Noting that all CCAMLR conservation measures are published on the CCAMLR Web site,

Hereby adopts the following conservation measure in accordance with Article IX of the Convention:

Management of Bottom Fishing

1. This conservation measure applies to areas in the Convention Area south of 60° S, and to the rest of the Convention Area with the exception of subareas and divisions where an established fishery was in place in 2006/07 with a catch limit greater than zero.

2. This conservation measure also applies to the area of Division 58.4.1 north of 60° S.

3. For the purposes of this measure, the term 'vulnerable marine ecosystems' in the context of CCAMLR includes seamounts, hydrothermal vents, cold water corals and sponge fields.

4. For the purposes of this measure, the term 'bottom fishing activities' includes the use of any gear that interacts with the bottom.

5. Until 30 November 2008, bottom fishing activities shall be limited to those areas for which bottom fishing activities were approved by the Commission in the 2006/07 fishing season.

6. Contracting Parties whose vessels wish to engage in any bottom fishing activities, beginning 1 December 2008, shall follow the procedures described in paragraphs 8 to 12 below.

7. Contracting Parties shall authorise vessels flying their flag to participate in bottom fishing activities only in accordance with the provisions of this conservation measure and Conservation Measure 10–02.

Assessment of Bottom Fishing

8. All individual bottom fishing activities commencing 1 December 2008 and thereafter shall be subject to assessment by the Scientific Committee, based on the best available scientific information, to determine if such activities, taking account of the history of bottom fishing in the areas proposed, would contribute to having significant adverse impacts on VMEs, and to ensure that if it is determined that these activities would make such contributions, that they are managed to prevent such impacts or are not authorised to proceed. The assessments shall include the following procedures:

(i) Each Contracting Party proposing to participate in bottom fishing shall submit to the Scientific Committee and Commission information and a preliminary assessment based on the pro forma in Annex 22–06/A, with the best available data, of the known and anticipated impacts of its bottom fishing activities on VMEs, including benthos and benthic communities, no less than three months in advance of the next meeting of the Commission. These submissions shall also include the mitigation measures proposed by the Contracting Party to prevent such impacts.

(ii) The Scientific Committee shall undertake an assessment, according to procedures and standards it develops, and provide advice to the Commission as to whether the proposed bottom fishing activity would contribute to having significant adverse impacts on VMEs and, if so, whether the proposed or additional mitigation measures would prevent such impacts. The Scientific Committee may use in its assessment additional information available to it, including information from other fisheries in the region or similar fisheries elsewhere.

(iii) The Commission shall, taking account of advice and recommendations provided by the Scientific Committee concerning bottom fishing activities, including data and information arising from reports pursuant to paragraph 8, adopt conservation measures to prevent significant adverse impacts on VMEs, that as appropriate:

(a) Allow, prohibit or restrict bottom fishing activities within particular areas;

(b) Require specific mitigation measures for bottom fishing activities;

(c) Allow, prohibit or restrict bottom fishing with certain gear types; and/or

(d) Contain any other relevant requirements or restrictions to prevent significant adverse impacts to VMEs.

Encounters With VMEs

9. Annex 22–06/B provides a notification form for Contracting Parties to use to notify the Secretariat when evidence of VMEs has been encountered, and has not otherwise been reported under Conservation Measure 22–07.

10. Contracting Parties, in the absence of site-specific or other conservation measures to prevent significant adverse impact on VMEs, shall require vessels flying their flag to cease bottom fishing activities in any location where evidence of a VME is encountered in the course of fishing operations, and to report the encounter to the Secretariat in accordance with the schedule of the Catch and Effort Reporting System (Conservation Measures 23–01, 23–02 or 23–03, whichever is applicable), so that appropriate conservation measures can be adopted in respect of the relevant site.

11. The Scientific Committee shall provide advice to the Commission on the known and anticipated impacts of bottom fishing activities on VMEs, and recommend practices, including ceasing fishing operations if needed, when evidence of a VME is encountered in the course of bottom fishing operations. Taking account of this advice, the Commission shall adopt conservation measures to be applied when evidence of a VME is encountered in the course of fishing operations.

Monitoring and Control of Bottom Fishing Activities

12. Notwithstanding Members' obligations pursuant to Conservation Measure 21–02, all Contracting Parties whose vessels participate in bottom fisheries shall:

(i) Ensure that their vessels are equipped and configured so that they can comply with all relevant conservation measures;

(ii) Ensure that each vessel carries at least one CCAMLR-designated scientific observer to collect data in accordance with this and other conservation measures;

(iii) Submit data pursuant to Data Collection Plans for bottom fisheries to be developed by the Scientific Committee and included in conservation measures;

(iv) Be prohibited from continuing participation in the relevant bottom fishery if data arising from conservation measures relevant to that bottom fishery have not been submitted to CCAMLR pursuant to paragraph 12(iii) for the most recent season in which fishing occurred, until the relevant data have been submitted to CCAMLR and the Scientific Committee has been allowed an opportunity to review the data.

13. The Secretariat shall annually compile a list of vessels authorised to fish pursuant to this conservation measure and shall make this list

publicly available on CCAMLR's Web site.

Data Collection and Sharing and Scientific Research

14. The Scientific Committee shall, based on the best available scientific information, advise the Commission on where VMEs are known to occur or are likely to occur, and advise on potential mitigation measures. Contracting Parties shall provide the Scientific Committee with all relevant information to assist in this work. The Secretariat shall maintain an inventory including digital maps of all known VMEs in the Convention Area for circulation to all Contracting Parties and other relevant bodies.

15. Scientific bottom fishing research activities notified under Conservation Measure 24–01, paragraph 2, shall proceed according to Conservation Measure 24–01 and shall be undertaken with due regard to potential impacts on VMEs. Scientific bottom fishing research activities notified under Conservation Measure 24–01, paragraph 3, shall be treated in accordance with all aspects of paragraph 9 of this conservation measure, notwithstanding the procedures in Conservation Measure 24–01. Consistent with existing reporting requirements in Conservation Measure 24–01, paragraph 4, information regarding the location and the type of any VME encountered, in the course of scientific bottom fishing research activities, shall be reported to the Secretariat.

Review

16. This conservation measure will be reviewed at the next regular meeting of the Commission, based on the findings of the Scientific Committee. In addition, beginning in 2009 and biennially thereafter, the Commission will examine the effectiveness of relevant conservation measures in protecting VMEs from significant adverse impacts, based on advice from the Scientific Committee.

[1] Except for waters adjacent to the Kerguelen and Crozet Islands.

[2] Except for waters adjacent to the Prince Edward Islands.

Annex 22–06/A

Pro Forma for Submitting Preliminary Assessments of the Potential for Proposed Bottom Fishing Activities to Have Significant Adverse Impacts on Vulnerable Marine Ecosystems (VMEs)

1. Preliminary assessment of bottom fishing activities—Required Information

1.1 Scope

1.1.1 Fishing method(s) to be used

Longline type (Spanish/auto/trotline/pots)

1.1.2 Subarea/division e.g. 88.1 and 88.2

1.1.3 Period of application

Year

1.2 Proposed fishing activity

1.2.1 Detailed description of gear

Please provide a detailed diagram of the gear configuration to be used (see WG–FSA–08/60 for example or diagrams available in the CCAMLR observer logbook). Include details of line type; line length (length range if necessary); hook type(s); numbers per line and spacing of hooks within a line (per vertical line for trotlines); weight material and mass; spacing of weights; anchor type; floats and spacing etc. for each vessel included in this application/notification.

1.2.2 Scale of proposed activity

Please provide estimates of total numbers of hooks and/or lines to be deployed.

1.2.3 Spatial distribution of activity

Please provide details of SSRUs or geographical regions within the subarea/division in which activities will take place including the depth range of fishing activities.

1.3 Mitigation measures to be used

Please provide details of modifications to gear configuration or methods of deployment aimed at preventing or reducing adverse impacts to VMEs.

2. Preliminary assessment of bottom fishing activities—Supporting Information

2.1 Assessment of known/anticipated impacts on VMEs

Please provide data or information available on the current state of knowledge of impacts of proposed fishing activities on VMEs within the area of activity.

2.1.1 Estimated spatial effort footprint

Please provide details of % area covered by fishing effort.

2.1.2 Summary of potential VMEs present within areas of activity e.g. biogenic/geological; habitat area coverage/distribution; fragility/vulnerability and resilience of habitats; species composition/endemism; life-history traits. Please provide details.

2.1.3 Probability of impacts e.g. low/medium/high/unknown. Please provide details.

2.1.4 Magnitude/severity of the interaction of the proposed fishing gear with VMEs e.g. associated mortality and spatial extent of impacts. Please provide details.

2.1.5 Physical and biological/ecological consequences of impact e.g. loss of physical habitat structure or of keystone species or extinctions.

2.2 Estimated cumulative footprint

Please provide an estimated cumulative impact derived from information provided under 2.1.1 to 2.1.5 above and any additional information available from the Secretariat (e.g. historical fishing effort; habitat maps).

2.3. Research activities related to provision of new information on VMEs

2.3.1 Previous research

Please provide a summary of research previously carried out in the proposed area of activity by your Member State (including national/regional/international research programs). This should include data collected in the previous season under 2.3.2 and details of data submitted to the Secretariat such as:

—Indirect evidence (e.g. by-catch observation; species identification through sample collection and genetic and morphological analysis; acoustic or geomorphic data collection; other)

—Direct evidence (e.g. observations using camera gear or ROVS; other)

2.3.2 In-season research

Please summarise details of the research planned during the proposed fishing activities by your Member State (including national/regional/international research programs). Please provide details of what data will be collected in order to document evidence of or further knowledge on VMEs within the areas of activities including:

—Indirect evidence (see examples above)

—Direct evidence (see examples above)

2.3.3 Follow-on research

Please provide details of potential future research resulting from previous/in-season research, including collaborative work with other Member States or as part of national/regional/international research programs including:

—Indirect evidence (see examples above)

—Direct evidence (see examples above)

Conservation Measure 22–07 (2008) [1] [2]

Interim measure for bottom fishing activities subject to Conservation Measure 22–06 encountering potential vulnerable marine ecosystems in the Convention Area

(Species: all; Area: see CM 22–06; Season: all; Gear: bottom fishing)

The Commission,

Noting the commitment made by Members to avoid significant adverse impacts on vulnerable marine ecosystems (VMEs) from bottom fishing activities,

Acknowledging the current prohibitions on bottom trawling in Conservation Measure 22–05 and on deep-sea gillnetting in Conservation Measure 22–04 in the high seas areas of the Convention Area,

Agreeing on the need to implement the precautionary approach for managing bottom fisheries with respect to VMEs due to the difficulty in acquiring data on their location, extent and risk of significant adverse impacts,

Further noting the need to acquire additional data during the 2008/09 season to contribute to assessments and advice on a long-term precautionary approach to avoiding significant adverse impacts on VMEs,

Hereby adopts the following conservation measure in accordance with Article IX of the Convention and Conservation Measure 22–06:

Area

1. This conservation measure applies to the same area as Conservation Measure 22–06.

Definitions

2. The following definitions apply to this conservation measure:

(i) Those contained in paragraphs 3 and 4 in Conservation Measure 22–06 relating to 'vulnerable marine ecosystems' (VMEs) and 'bottom fishing activities'.

(ii) VME indicator organism means any benthic organism listed in the Benthic Invertebrate Classification Guide [3].

(iii) 'VME indicator unit' means either one litre of those VME indicator organisms that can be placed in a 10-litre container; or one kilogram of those VME indicator organisms that do not fit into a 10-litre container.

(iv) 'Line segment' means a 1 000-hook section of line or a 1 200 m section of line, whichever is the shorter, and for pot lines a 1 200 m section.

(v) 'Risk Area' means an area where 10 or more VME indicator units are recovered within a single line segment. A Risk Area has a radius of 1 n mile from the midpoint [4] of the line segment from which the VME indicator units are recovered. However, Members may require their vessels to observe a larger Risk Area in accordance with their domestic laws.

Vessel Requirements

3. Members shall require their vessels to clearly mark fishing lines into line segments and to monitor all line segments for the number of VME indicator units.

4. Members shall require their vessels, if 10 or more VME indicator units are recovered in one line segment, to complete hauling any lines intersecting with the Risk Area without delay and not to set any further lines intersecting with the Risk Area. The vessel shall immediately communicate to the Secretariat and to its Flag State the location of the midpoint of the line segment from which those VME indicator units were recovered along with the number of VME indicator units recovered.

5. Members shall require their vessels, if five or more VME indicator units are recovered within one line segment, to immediately communicate to the Secretariat [5] and to their Flag State the location of the midpoint of the line segment from which those VME indicator units were recovered along with the number of VME indicator units recovered.

Management

6. On receipt of a notification under paragraph 4, the Secretariat shall:

(i) Record the location of the Risk Area;

(ii) Within one working day of receipt, notify all fishing vessels in the relevant fishery and their Flag States that the Risk Area is closed; and that, as in paragraph 4, all vessels shall immediately cease setting any further lines intersecting with the Risk Area.

7. On receipt of five notifications under paragraph 5 within a single fine-scale rectangle [6], the Secretariat shall, within one working day of receiving the fifth notification, notify all fishing vessels in the relevant fishery and their Flag States of the coordinates of the fine-scale rectangle, indicating that VMEs may occur within that area. Vessels may continue to fish in the area consistent with paragraphs 4 and 5.

Data

8. Vessels shall report in accordance with Conservation Measure 23–01 total benthos recovered in a 5-day period. To the extent possible, VME indicator units for each line segment and the midpoint of each line segment on all lines should be reported in the fine-scale data.

Review

9. A Risk Area shall remain closed for any fishery until reviewed by the Scientific Committee and management actions are determined by the Commission. Scientific research as agreed by the Scientific Committee shall be allowed in Risk Areas.

10. The Commission will review this conservation measure in 2009, in light of observer, vessel and other data collected during the 2008/09 season, the results of the 2009 Expert Workshop on Vulnerable Marine Ecosystems, any other relevant information, the deliberations of the Working Group on Ecosystem Monitoring and Management (WG–EMM) and the Working Group on Fish Stock Assessment (WG–FSA), and in accordance with the advice of the Scientific Committee.

[1] Except for waters adjacent to the Kerguelen and Crozet Islands.

[2] Except for waters adjacent to the Prince Edward Islands.

[3] Available from the Secretariat.

[4] In latitude and longitude.

[5] This may be through the Flag State or directly to the Secretariat, whichever is the most practicable.

[6] A fine-scale rectangle is defined as an area of 0.5° latitude by 1° longitude with respect to the northwest corner of the statistical subarea or division. The identification of each rectangle is by the latitude of its northernmost boundary and the longitude of the boundary closest to 0°.

Conservation Measure 24–01 (2008) [1] [2]

The application of conservation measures to scientific research

(Species: all; Area: all; Season: all; Gear: all)

This conservation measure governs the application of conservation measures to scientific research and is adopted in accordance with Article IX of the Convention.

1. General Application:

(a) Catches taken by any vessel for research purposes will be considered as part of any catch limits in force for each species taken unless the catch limit in an area[3] is set at zero.

(b) In the event of research being undertaken in an area[3] with a zero catch limit, then the catches adopted under paragraphs 2 or 3 below shall be considered to be the catch limit for the season in that area. When such an area sits within a group of areas to which an overall catch limit applies, that overall catch limit shall not be exceeded including any catch taken for research purposes.

2. Application to Members taking less than 50 tonnes of finfish in a season including no more than the amounts specified for finfish taxa in Annex 24–01/B and less than 0.1% of a given catch limit for non-finfish taxa indicated in Annex 24–01/B:

(a) Any Member planning to use a vessel or vessels for research purposes when the estimated seasonal catch is as

above shall notify the Secretariat of the Commission which in turn will notify all Members immediately, according to the format provided in Annex 24–01/A.

(b) Vessels to which the provisions of paragraph 2(a) above apply, shall be exempt from conservation measures relating to mesh size regulations, prohibition of types of gear, closed areas, fishing seasons and size limits, and reporting system requirements other than those specified in paragraph 4 below.

3. Application to Members taking more than 50 tonnes of finfish or more than the amounts specified for finfish taxa in Annex 24–01/B or more than 0.1% of a given catch limit for non-finfish taxa indicated in Annex 24–01/B:

(a) Any Member planning to use any type of vessel or vessels to conduct fishing for research purposes when the estimated seasonal catch is as above, shall notify the Commission and provide the opportunity for other Members to review and comment on its Research Plan. The plan shall be provided to the Secretariat for distribution to Members at least six months in advance of the planned starting date for the research. In the event of any request for a review of such plan being lodged within two months of its circulation, the Executive Secretary shall notify all Members and submit the plan to the Scientific Committee for review. Based on the submitted Research Plan and any advice provided by the appropriate working group, the Scientific Committee will provide advice to the Commission where the review process will be concluded. Until the review process is complete, the planned fishing for research purposes shall not proceed.

(b) Research Plans shall be reported in accordance with the standardised guidelines and formats adopted by the Scientific Committee, given in Annex 24–01/A.

4. Reporting requirements for these research activities are:

(a) The CCAMLR within-season five-day reporting system shall apply.

(b) All research catches shall be reported to CCAMLR as part of the annual STATLANT returns.

(c) A summary of the results of any research subject to the above provisions shall be provided to the Secretariat within 180 days of the completion of the research fishing. Members shall provide a full report to the Scientific Committee within 12 months for review and comment.

(d) Catch, effort and biological data resulting from research fishing should be reported to the Secretariat according to the haul-by-haul reporting format for research vessels (C4).

5. Other requirements for these research activities are:

(a) All vessels conducting research fishing under the research exemption, during a voyage that invokes any commercial fishing, shall be linked to an automated satellite-linked vessel monitoring system in accordance with Conservation Measure 10–04.

[1] Except for waters adjacent to the Kerguelen and Crozet Islands.

[2] Except for waters adjacent to the Prince Edward Islands.

[3] Any management area including subarea, division or SSRU, whichever is designated as a zero catch limit.

Annex 24–01/A

Formats for Notification of Research Vessel Activity

[this annex is unchanged]

Annex 24–01/B

Taxa-Specific Schedule for Notification of Research Vessel Activity

Taxon	Gear type	Expected catch (tonnes)
(a) Thresholds for finfish taxa		
Dissostichus spp..		
	Longline	5
	Trawl	5
	Pot	5
	Other	0
Champsocephalus gunnari	All	10
(b) Non-finfish taxa for which a catch threshold of 0.1% of the catch limit for a given area would apply		
Krill		
Squid		
Crabs		

Conservation Measure 24–02 (2008)

Longline weighting for seabird conservation.

(Species: seabirds; Area: selected; Season: all; Gear: longline)

In respect of fisheries in Statistical Subareas 48.4, 48.6, 88.1 and 88.2 and Statistical Divisions 58.4.1, 58.4.2, 58.4.3a, 58.4.3b and 58.5.2, paragraph 5 of Conservation Measure 25–02 shall not apply only where a vessel can demonstrate its ability to fully comply with one of the following protocols.

Protocol A (for vessels monitoring longline sink rate with Time-Depth Recorders (TDRs) and using longlines to which weights are manually attached):

A1. Prior to entry into force of the licence for this fishery and once per fishing season, either prior to entering the Convention Area or at the first opportunity after entering the Convention Area and before commencing fishing, the vessel shall, under observation by a scientific observer:

(i) Set a minimum of two longlines, unbaited if set in the Convention Area, with a minimum of four TDRs on the middle one-third of each longline, where:

(a) For vessels using the auto longline system, each longline shall be at least 6 000 m in length;

(b) For vessels using the Spanish longline system, each longline shall be at least 16 000 m in length;

(c) For vessels using the Spanish longline system, with longlines less than 16 000 m in length, each longline shall be of the maximum length to be used by the vessel in the Convention Area;

(d) For vessels using a longline system other than an autoline or Spanish longline system, each longline shall be of the maximum length to be used by the vessel in the Convention Area;

(ii) Randomise TDR placement on the longline, noting that, except for trotlines, all tests should be applied midway between weights. In the case of trotlines TDRs should be placed on

droppers less than 1 m from the attachment position of the uppermost cluster of hooks (i.e., hooks most distant from line weight);

(iii) Calculate an individual sink rate for each TDR when returned to the vessel, where:

(a) The sink rate shall be measured as an average of the time taken for the longline to sink from the surface (0 m) to 15 m;

(b) This sink rate shall be at a minimum rate of 0.3 m/s;

(iv) If the minimum sink rate is not achieved at all eight sample points (four tests on two longlines), continue the testing until such time as a total of eight tests with a minimum sink rate of 0.3 m/s are recorded;

(v) All equipment and fishing gear used in the tests is to be to the same specifications as that to be used in the Convention Area.

A2. During fishing, for a vessel to be allowed to maintain the exemption to night-time setting requirements (paragraph 5 of Conservation Measure 25–02), regular longline sink monitoring shall be undertaken by the CCAMLR scientific observer. The vessel shall cooperate with the CCAMLR observer who shall:

(i) Attempt to conduct a TDR test on one longline set every twenty-four hour period;

(ii) Every seven days place at least four TDRs on a single longline to determine any sink rate variation along the longline;

(iii) Randomise TDR placement on the longline, noting that all tests should be applied halfway between weights;

(iv) Calculate an individual longline sink rate for each TDR when returned to the vessel;

(v) Measure the longline sink rate as an average of the time taken for the longline to sink from the surface (0 m) to 15 m.

A3. The vessel shall:

(i) Ensure that all longlines are weighted to achieve a minimum longline sink rate of 0.3 m/s at all times whilst operating under this exemption;

(ii) Report daily to its national agency on the achievement of this target whilst operating under this exemption;

(iii) Ensure that data collected from longline sink rate tests and longline sink rate monitoring during fishing are recorded in the CCAMLR-approved format [1] and submitted to the relevant national agency and CCAMLR Data Manager within two months of the vessel departing a fishery to which this measure applies.

Protocol B (for vessels monitoring longline sink rate with bottle tests and using longlines to which weights are manually attached):

B1. Prior to entry into force of the licence for this fishery and once per fishing season either prior to entering the Convention Area or at the first opportunity after entering the Convention Area and before commencing fishing, the vessel shall, under observation by a scientific observer:

(i) Set a minimum of two longlines, unbaited if set in the Convention Area, with a minimum of four bottle tests (see paragraphs B5 to B9) on the middle one-third of each longline, where:

(a) For vessels using the auto longline system, each longline shall be at least 6 000 m in length;

(b) For vessels using the Spanish longline system, each longline shall be at least 16 000 m in length;

(c) For vessels using the Spanish longline system, with longlines less than 16 000 m in length, each longline shall be of the maximum length to be used by the vessel in the Convention Area;

(d) For vessels using a longline system other than an autoline or Spanish longline system, each longline shall be of the maximum length to be used by the vessel in the Convention Area;

(ii) Randomise bottle test placement on the longline, noting that, except for trotlines, all tests should be applied midway between weights. In the case of trotlines TDRs should be placed on droppers less than 1 m from the attachment position of the uppermost cluster of hooks (i.e., hooks most distant from line weight);

(iii) Calculate an individual sink rate for each bottle test at the time of the test, where:

(a) The sink rate shall be measured as the time taken for the longline to sink from the surface (0 m) to 10 m;

(b) This sink rate shall be at a minimum rate of 0.3 m/s;

(iv) If the minimum sink rate is not achieved at all eight sample points (four tests on two longlines), continue the testing until such time as a total of eight tests with a minimum sink rate of 0.3 m/s are recorded;

(v) All equipment and fishing gear used in the tests is to be to the same specifications as that to be used in the Convention Area.

B2. During fishing, for a vessel to be allowed to maintain the exemption to night-time setting requirements (paragraph 5 of Conservation Measure 25–02), regular longline sink rate monitoring shall be undertaken by the CCAMLR scientific observer. The vessel shall cooperate with the CCAMLR observer who shall:

(i) Attempt to conduct a bottle test on one longline set every twenty-four hour period;

(ii) Every seven days conduct at least four bottle tests on a single longline to determine any sink rate variation along the longline;

(iii) Randomise bottle test placement on the longline, noting that all tests should be applied halfway between weights;

(iv) Calculate an individual longline sink rate for each bottle test at the time of the test;

(v) Measure the longline sink rate as the time taken for the longline to sink from the surface (0 m) to 10 m.

B3. The vessel shall:

(i) Ensure that all longlines are weighted to achieve a minimum longline sink rate of 0.3 m/s at all times whilst operating under this exemption;

(ii) Report daily to its national agency on the achievement of this target whilst operating under this exemption;

(iii) Ensure that data collected from longline sink rate tests and longline sink rate monitoring during fishing are recorded in the CCAMLR-approved format [1] and submitted to the relevant national agency and CCAMLR Data Manager within two months of the vessel departing a fishery to which this measure applies.

B4. A bottle test is to be conducted as described below.

Bottle Set Up

B5. 10 m of 2 mm multifilament nylon snood twine, or equivalent, is securely attached to the neck of a 500–1 000 ml plastic bottle [2] with a longline clip attached to the other end. The length measurement is taken from the attachment point (terminal end of the clip) to the neck of the bottle, and should be checked by the observer every few days.

B6. Reflective tape should be wrapped around the bottle to allow it to be observed in low light conditions and at night.

Test

B7. The bottle is emptied of water, the stopper is left open and the twine is wrapped around the body of the bottle for setting. The bottle with the encircled twine is attached to the longline,[3] midway between weights (the attachment point).

B8. The observer records the time at which the attachment point enters the water as t_1 in seconds. The time at which the bottle is observed to be pulled completely under is recorded as t_2 in seconds.[4] The result of the test is calculated as follows:

Longline sink rate = $10 / (t_2 - t_1)$.

B9. The result should be equal to or greater than 0.3 m/s. These data are to be recorded in the space provided in the electronic observer logbook.

Protocol C (for vessels monitoring longline sink rate with either (TDR) or bottle tests, and using internally weighted longlines with integrated weight of at least 50 g/m and designed to sink instantly with a linear profile at greater than 0.2 m/s with no external weights attached):

C1. Prior to entry into force of the licence for this fishery and once per fishing season either prior to entering the Convention Area or at the first opportunity after entering the Convention Area and before commencing fishing, the vessel shall, under observation by a scientific observer:

(i) Set a minimum of two longlines, unbaited if set in the Convention Area, with either a minimum of four TDRs, or a minimum of four bottle tests (see paragraphs B5 to B9) on the middle one-third of each longline, where:

(a) For vessels using the auto longline system, each longline shall be at least 6 000 m in length;

(b) For vessels using the Spanish longline system, each longline shall be at least 16 000 m in length;

(c) For vessels using the Spanish longline system, with longlines less than 16 000 m in length, each longline shall be of the maximum length to be used by the vessel in the Convention Area;

(d) For vessels using a longline system other than an autoline or Spanish longline system, each longline shall be of the maximum length to be used by the vessel in the Convention Area;

(ii) Randomise TDR or bottle test placement on the longline;

(iii) Calculate an individual sink rate for each TDR when returned to the vessel, or for each bottle test at the time of the test, where:

(a) The sink rate shall be measured as an average of the time taken for the longline to sink from the surface (0 m) to 15 m for TDRs and the time taken for the longline to sink from the surface (0 m) to 10 m for bottle tests;

(b) This sink rate shall be at a minimum rate of 0.2 m/s;

(iv) If the minimum sink rate is not achieved at all eight sample points (four tests on two longlines), continue the testing until such time as a total of eight tests with a minimum sink rate of 0.2 m/s are recorded;

(v) All equipment and fishing gear used in the tests is to be to the same specifications as that to be used in the Convention Area.

C2. During fishing, for a vessel to be allowed to maintain the exemption to night-time setting requirements (paragraph 5 of Conservation Measure 25–02), regular longline sink rate monitoring shall be undertaken by the CCAMLR scientific observer. The vessel shall cooperate with the CCAMLR observer who shall:

(i) Attempt to conduct a TDR or bottle test on one longline set every twenty-four hour period;

(ii) Every seven days conduct at least four TDR or bottle tests on a single longline to determine any sink rate variation along the longline;

(iii) Randomise TDR or bottle test placement on the longline;

(iv) Calculate an individual longline sink rate for each TDR when returned to the vessel or each bottle test at the time of the test;

(v) Measure the longline sink rate for bottle tests as the time taken for the longline to sink from the surface (0 m) to 10 m, or for TDRs the average of the time taken for the longline to sink from the surface (0 m) to 15 m.

C3. The vessel shall:

(i) Ensure that all longlines are set so as to achieve a minimum longline sink rate of 0.2 m/s at all times whilst operating under this exemption;

(ii) Report daily to its national agency on the achievement of this target whilst operating under this exemption;

(iii) Ensure that data collected from longline sink rate tests and longline sink rate monitoring during fishing are recorded in the CCAMLR-approved format [1] and submitted to the relevant national agency and CCAMLR Data Manager within two months of the vessel departing a fishery to which this measure applies.

[1] Included in the scientific observer electronic logbook.

[2] A plastic water bottle that has a 'stopper' is needed. The stopper of the bottle is left open so that the bottle will fill with water after being pulled under water. This allows the plastic bottle to be re-used rather than being crushed by water pressure.

[3] On autolines attach to the backbone; on the Spanish longline system attach to the hookline.

[4] Binoculars will make this process easier to view, especially in foul weather.

Conservation Measure 25–02 (2008) [1] [2]

Minimisation of the incidental mortality of seabirds in the course of longline fishing or longline fishing research in the Convention Area.

(Species: seabirds; Area: all; Season: all; Gear: longline)

The Commission,

Noting the need to reduce the incidental mortality of seabirds during longline fishing by minimising their attraction to fishing vessels and by preventing them from attempting to seize baited hooks, particularly during the period when the lines are set,

Recognising that in certain subareas and divisions of the Convention Area there is also a high risk that seabirds will be caught during line hauling,

Adopts the following measures to reduce the possibility of incidental mortality of seabirds during longline fishing.

1. Fishing operations shall be conducted in such a way that hooklines [3] sink beyond the reach of seabirds as soon as possible after they are put in the water.

2. Vessels using autoline systems should add weights to the hookline or use integrated weight (IW) hooklines while deploying longlines. IW longlines of a minimum of 50 g/m or attachment to non-IW longlines of 5 kg weights at 50 to 60 m intervals are recommended.

3. Vessels using the Spanish method of longline fishing should release weights before line tension occurs; traditional weights [4] of at least 8.5 kg mass shall be used, spaced at intervals of no more than 40 m, or traditional weights [4] of at least 6 kg mass shall be used, spaced at intervals of no more than 20 m, or solid steel weights [5] of at least 5 kg mass shall be used, spaced at intervals of no more than 40 m.

4. Vessels using the trotline system exclusively (not a mix of trotlines and the Spanish system within the same longline) shall deploy weights only at the distal end of the droppers in the trotline. Weights shall be traditional weights of at least 6 kg or solid steel weights of at least 5 kg. Vessels alternating between the use of the Spanish system and trotline method shall use: (i) For the Spanish system: line weighting shall conform to the provisions in paragraph 3; (ii) for the trotline method: line weighting shall be either 8.5 kg traditional weights or 5 kg steel weights attached on the hook-end of all droppers in the trotline at no more than 80 m intervals. [6]

5. Longlines shall be set at night only (*i.e.* during the hours of darkness between the times of nautical twilight [7]) [8]. During longline fishing at night, only the minimum ship's lights necessary for safety shall be used.

6. The dumping of offal is prohibited while longlines are being set. The dumping of offal during the haul shall be avoided. Any such discharge shall take place only on the opposite side of the vessel to that where longlines are hauled. For vessels or fisheries where there is not a requirement to retain offal on board the vessel, a system shall be

implemented to remove fish hooks from offal and fish heads prior to discharge.

7. Vessels which are so configured that they lack on-board processing facilities or adequate capacity to retain offal on board, or the ability to discharge offal on the opposite side of the vessel to that where longlines are hauled, shall not be authorised to fish in the Convention Area.

8. A streamer line shall be deployed during longline setting to deter birds from approaching the hookline. Specifications of the streamer line and its method of deployment are given in Annex 25–02/A.

9. A device designed to discourage birds from accessing baits during the haul of longlines shall be employed in those areas defined by CCAMLR as average-to-high or high (Level of Risk 4 or 5) in terms of risk of seabird by-catch. These areas are currently Statistical Subareas 48.3, 58.6 and 58.7 and Statistical Divisions 58.5.1 and 58.5.2.

10. Every effort should be made to ensure that birds captured alive during longlining are released alive and that wherever possible hooks are removed without jeopardising the life of the bird concerned.

11. Other variations in the design of mitigation measures may be tested on vessels carrying two observers, at least one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, providing that all other elements of this conservation measure are complied with.[9] Full proposals for any such testing must be notified to the Working Group on Fish Stock Assessment (WG–FSA) in advance of the fishing season in which the trials are proposed to be conducted.

[1] Except for waters adjacent to the Kerguelen and Crozet Islands.

[2] Except for waters adjacent to the Prince Edward Islands.

[3] Hookline is defined as the groundline or mainline to which the baited hooks are attached by snoods.

[4] Traditional weights are those made from rocks or concrete.

[5] Solid steel weights shall not be made from chain links. They should be made in a hydrodynamic shape designed to sink rapidly.

[6] Recognising that Spanish system longlines with weights at 40 m intervals are typically configured with lines at 80 m intervals that connect hauling and hook lines (see diagram Annex 25–02/B). These connecting lines form the dropper lines of the trotline method.

[7] The exact times of nautical twilight are set forth in the Nautical Almanac tables for the relevant latitude, local time and date. A copy of the algorithm for calculating these times is available from the CCAMLR Secretariat. All times, whether for ship operations or observer reporting, shall be referenced to GMT.

[8] Wherever possible, setting of lines should be completed at least three hours before sunrise (to reduce loss of bait to/catches of white-chinned petrels).

[9] The mitigation measures under test should be constructed and operated taking full account of the principles set out in WG–FSA–03/22 (the published version of which is available from the CCAMLR Secretariat and Web site); testing should be carried out independently of actual commercial fishing and in a manner consistent with the spirit of Conservation Measure 21–02.

Annex 25–02/A

1. The aerial extent of the streamer line, which is the part of the line supporting the streamers, is the effective seabird deterrent component of a streamer line. Vessels are encouraged to optimise the aerial extent and ensure that it protects the hookline as far astern of the vessel as possible, even in crosswinds.

2. The streamer line shall be attached to the vessel such that it is suspended from a point a minimum of 7 m above the water at the stern on the windward side of the point where the hookline enters the water.

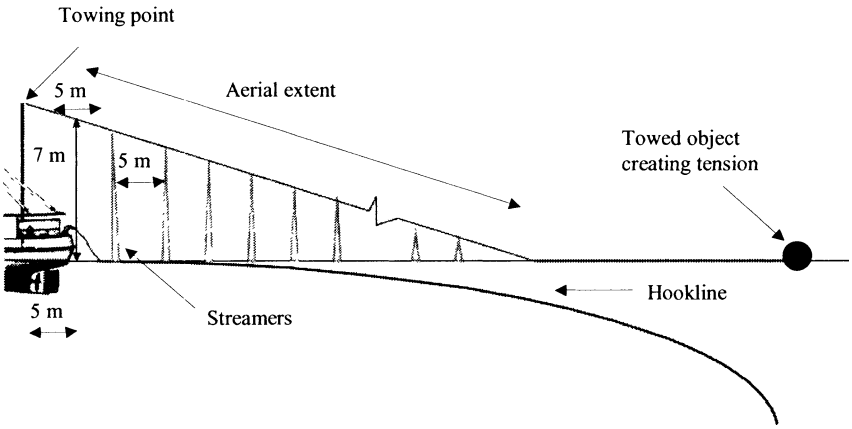
3. The streamer line shall be a minimum of 150 m in length and include an object towed at the seaward end to create tension to maximise aerial coverage. The object towed should be maintained directly behind the attachment point to the vessel such that in crosswinds the aerial extent of the streamer line is over the hookline.

4. Branched streamers, each comprising two strands of a minimum of 3 mm diameter brightly coloured plastic tubing[1] or cord, shall be attached no more than 5 m apart commencing 5 m from the point of attachment of the streamer line to the vessel and thereafter along the aerial extent of the line. Streamer length shall range between minimums of 6.5 m from the stern to 1 m for the seaward end. When a streamer line is fully deployed, the branched streamers should reach the sea surface in the absence of wind and swell. Swivels or a similar device should be placed in the streamer line in such a way as to prevent streamers being twisted around the streamer line. Each branched streamer may also have a swivel or other device at its attachment point to the streamer line to prevent fouling of individual streamers.

5. Vessels are encouraged to deploy a second streamer line such that streamer lines are towed from the point of attachment each side of the hookline. The leeward streamer line should be of similar specifications (in order to avoid entanglement the leeward streamer line may need to be shorter) and deployed from the leeward side of the hookline.

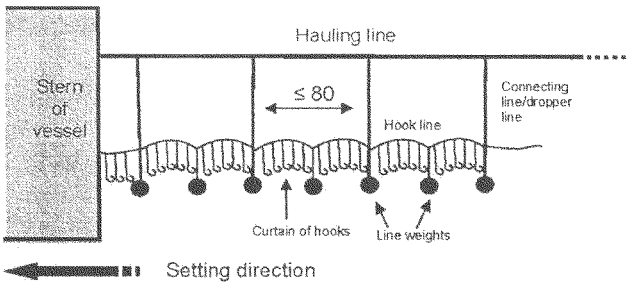
[1] Plastic tubing should be of a type that is manufactured to be protected from ultraviolet radiation.

Streamer Line

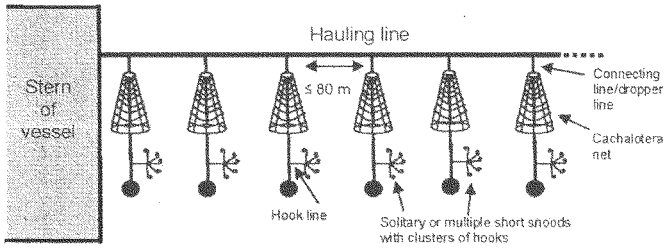


ANNEX 25-02/B

Typical configuration of Spanish system



Typical configuration of trotline method



Conservation Measure 26–01 (2008) [1] [2]

General environmental protection during fishing
(Species: All; Area: All; Season: All; Gear: All)

The Commission,

Concerned that certain activities associated with fishing may affect the Antarctic marine environment and that these activities have played a notable role in CCAMLR's efforts to minimise incidental mortality of non-target species such as seabirds and seals,

Noting that previous CCAMLR recommendations, and the provisions of the MARPOL 73/78 Convention and its Annexes, prohibit the disposal of all plastics at sea, in the CAMLR Convention Area,

Noting various provisions of the Protocol on Environmental Protection to the Antarctic Treaty in particular its Annexes as well as related Recommendations and Measures of the Antarctic Treaty Consultative Meetings,

Recollecting that for many years advice from the Scientific Committee has indicated that significant numbers of Antarctic fur seals have been entangled and killed in plastic packaging bands in the Convention Area,

Noting the recommendations of CCAMLR and the provisions of the MARPOL Convention and its Annexes which prohibit the jettisoning of all plastics at sea and that entanglement of fur seals is still continuing,

Recognising that the bait boxes used on fishing vessels in particular and other packages in general need not be secured by plastic packaging bands because suitable alternatives exist,

Adopts the following conservation measure to minimise possible effects on the marine environment arising from fishing-related activities in the context of mitigating incidental mortality of non-target species and protecting the marine environment in accordance with Article IX of the Convention.

Disposal of Plastic Packaging Bands

1. The use on fishing vessels of plastic packaging bands to secure bait boxes shall be prohibited.

2. The use of other plastic packaging bands for other purposes on fishing vessels which do not use on-board incinerators (closed systems) shall be prohibited.

3. Any packaging bands, once removed from packages, shall be cut into approximately 30 cm sections, so that they do not form a continuous loop and at the earliest opportunity burned in the on-board incinerator.

4. Any plastic residue shall be stored on board the vessel until reaching port and in no case discarded at sea.

Prohibition of Discharge in High-Latitude Fisheries

5. Vessels fishing south of 60 ° S shall be prohibited from dumping or discharging:

(i) Oil or fuel products or oily residues into the sea, except as permitted under Annex I of MARPOL 73/78;

(ii) Garbage;

(iii) Food wastes not capable of passing through a screen with openings no greater than 25 mm;

(iv) Poultry or parts (including egg shells);

(v) Sewage within 12 n miles of land or ice shelves, or sewage while the ship is travelling at a speed of less than 4 knots;

(vi) Offal; or

(vii) Incineration ash.

Translocation of Poultry

6. Live poultry or other living birds shall not be brought into areas south of 60° S, and any dressed poultry not consumed shall be removed from those areas.

[1] Except for waters adjacent to the Kerguelen and Crozet Islands

[2] Except for waters adjacent to the Prince Edward Islands.

Conservation Measure 32–09 (2008)

Prohibition of directed fishing for *Dissostichus* spp. except in

accordance with specific conservation measures in the 2008/09 season
(Species: Toothfish; Area: 48.5; Season: 2008/09; Gear: All)

The Commission hereby adopts the following conservation measure in accordance with Article IX of the Convention:

Directed fishing for *Dissostichus* spp. in Statistical Subarea 48.5 is prohibited from 1 December 2008 to 30 November 2009.

Conservation Measure 33–02 (2008)

Limitation of by-catch in Statistical Division 58.5.2 in the 2008/09 season
(Species: By-catch; Area: 58.5.2; Season: 2008/09; Gear: All)

1. There shall be no directed fishing for any species other than *Dissostichus eleginoides* and *Champsocephalus gunnari* in Statistical Division 58.5.2 in the 2008/09 fishing season.

2. In directed fisheries in Statistical Division 58.5.2 in the 2008/09 season, the by-catch of *Channichthys rhinoceratus* shall not exceed 150 tonnes, the by-catch of *Lepidonotothen squamifrons* shall not exceed 80 tonnes, the by-catch of *Macrourus* spp. shall not exceed 360 tonnes and the by-catch of skates and rays shall not exceed 120 tonnes. For the purposes of this measure, '*Macrourus* spp.' and 'skates and rays' should each be counted as a single species.

3. The by-catch of any fish species not mentioned in paragraph 2, and for which there is no other catch limit in force, shall not exceed 50 tonnes in Statistical Division 58.5.2.

4. If, in the course of a directed fishery, the by-catch in any one haul of *Channichthys rhinoceratus, Lepidonotothen squamifrons, Macrourus* spp., *Somniosus* spp. or skates and rays is equal to, or greater than 2 tonnes, then the fishing vessel shall not fish using that method of fishing at any point within 5 n miles [1] of the location where the by-catch exceeded 2 tonnes for a period of at least five days.[2] The location where the by-catch exceeded 2 tonnes is defined as the path [3] followed by the fishing vessel.

5. If, in the course of a directed fishery, the by-catch in any one haul of any other by-catch species for which by-catch limitations apply under this conservation measure is equal to, or greater than 1 tonne, then the fishing vessel shall not fish using that method of fishing at any point within 5 n miles [1] of the location where the by-catch exceeded 1 tonne for a period of at least five days.[2] The location where the by-catch exceeded 1 tonne is defined as the path [3] followed by the fishing vessel.

[1] This provision concerning the minimum distance separating fishing locations is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

[2] The specified period is adopted in accordance with the reporting period specified in Conservation Measure 23–01, pending the adoption of a more appropriate period by the Commission.

[3] For a trawl the path is defined from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel. For a longline or a pot, the path is defined from the point at which the first anchor of a set was deployed to the point at which the last anchor of that set was deployed.

Conservation Measure 33–03 (2008) [1] [2]

Limitation of by-catch in new and exploratory fisheries in the 2008/09 season
(Species: By-catch; Area: Various; Season: 2008/09; Gear: All)

1. This conservation measure applies to new and exploratory fisheries in all areas containing small-scale research units (SSRUs) in the 2008/09 season, except where specific by-catch limits apply.

2. The catch limits for all by-catch species are set out in Annex 33–03/A. Within these catch limits, the total catch [3] of by-catch species in any SSRU or combination of SSRUs as defined in relevant conservation measures shall not exceed the following limits:

- Skates and rays 5% of the catch limit of *Dissostichus* spp. or 50 tonnes whichever is greater;
- *Macrourus* spp. 16% of the catch limit for *Dissostichus* spp. or 20 tonnes, whichever is greater;
- All other species combined 20 tonnes.

3. For the purposes of this measure '*Macrourus* spp.' and 'skates and rays' should each be counted as a single species.

4. Unless otherwise requested by scientific observers, vessels, where possible, should release skates and rays alive from the line by cutting snoods, and when practical, removing the hooks.

5. If the by-catch of any one species is equal to or greater than 1 tonne in any one haul or set, then the fishing vessel shall move to another location at least 5 n miles [4] distant. The fishing vessel shall not return to any point within 5 n miles of the location where the by-catch exceeded 1 tonne for a period of at least five days.[5] The location where the by-catch exceeded 1 tonne is defined as the path [6] followed by the fishing vessel.

6. If the catch of *Macrourus* spp. taken by a single vessel in any two 10-day periods [7] in a single SSRU exceeds 1 500 kg in each 10-day period and exceeds 16% of the catch of *Dissostichus* spp. by that vessel in that SSRU in those periods, the vessel shall cease fishing in that SSRU for the remainder of the season.

[1] Except for waters adjacent to the Kerguelen and Crozet Islands.

[2] Except for waters adjacent to the Prince Edward Islands.

[3] Total green weight caught, excluding individuals released alive.

[4] This provision concerning the minimum distance separating fishing locations is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

[5] The specified period is adopted in accordance with the reporting period specified in Conservation Measure 23–01, pending the adoption of a more appropriate period by the Commission.

[6] For a trawl the path is defined from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel. For a longline the path is defined from the point at which the first anchor of a set was deployed to the point at which the last anchor of that set was deployed.

[7] A 10-day period is defined as day 1 to day 10, day 11 to day 20, or day 21 to the last day of the month.

Annex 33–03/A

TABLE 1—BY-CATCH CATCH LIMITS FOR NEW AND EXPLORATORY FISHERIES IN 2008/09

Subarea/ division	Region	*Dissostichus* spp. catch limit (tonnes per region)	By-catch catch limit		
			Skates and rays (tonnes per region)	*Macrourus* spp. (tonnes per region)	Other species (tonnes per SSRU)
48.6	North of 60 ° S	200	50	32	20
	South of 60 ° S	200	50	32	20
58.4.1	Whole division	210	50	33	20

TABLE 1—BY-CATCH CATCH LIMITS FOR NEW AND EXPLORATORY FISHERIES IN 2008/09—Continued

Subarea/ division	Region	*Dissostichus* spp. catch limit (tonnes per region)	By-catch catch limit		
			Skates and rays (tonnes per region)	*Macrourus* spp. (tonnes per region)	Other species (tonnes per SSRU)
58.4.2	Whole division	70	50	20	20
58.4.3a	Whole division	86	50	26	20
58.4.3b	North of 60 ° S	120	50	80	20
88.1	Whole subarea	2700	135	430	20
88.2	South of 65 ° S	567	50	90	20

Region: As defined in column 2 of this table.
Rules for catch limits for by-catch species:
Skates and rays: 5% of the catch limit for *Dissostichus* spp. or 50 tonnes, whichever is greatest (SC–CAMLR–XXI, paragraph 5.76).
Macrourus spp.: 16% of the catch limit for *Dissostichus* spp. or 20 tonnes whichever is greatest, except in Statistical Divisions 58.4.3a and 58.4.3b (SC–CAMLR–XXII, paragraph 4.207), and Statistical Subarea 88.1 (SC–CAMLR–XXVII, paragraph 4.162).
Other species: 20 tonnes per SSRU.

Conservation Measure 41–01 (2008) [1] [2]

General measures for exploratory fisheries for *Dissostichus* spp. in the Convention Area in the 2008/09 season

(Species: toothfish; Area: various; Season: 2008/09; Gear: longline, trawl)

The Commission hereby adopts the following conservation measure:

1. This conservation measure applies to exploratory fisheries using the trawl or longline methods except for such fisheries where the Commission has given specific exemptions to the extent of those exemptions. In trawl fisheries, a haul comprises a single deployment of the trawl net. In longline fisheries, a haul comprises the setting of one or more lines in a single location.

2. Fishing should take place over as large a geographical and bathymetric range as possible to obtain the information necessary to determine fishery potential and to avoid over-concentration of catch and effort. To this end, fishing in any small-scale research unit (SSRU) shall cease when the reported catch reaches the specified catch limit [3] and that SSRU shall be closed to fishing for the remainder of the season.

3. In order to give effect to paragraph 2 above:

(i) The precise geographic position of a haul in trawl fisheries will be determined by the midpoint of the path between the start point and end point of the haul for the purposes of catch and effort reporting;

(ii) The precise geographic position of a haul/set in longline fisheries will be determined by the centre point of the line or lines deployed for the purposes of catch and effort reporting;

(iii) The vessel will be deemed to be fishing in any SSRU from the beginning of the setting process until the completion of the hauling of all lines;

(iv) Catch and effort information for each species by SSRU shall be reported to the Executive Secretary every five days using the Five-day Catch and Effort Reporting System set out in Conservation Measure 23–01;

(v) The Secretariat shall notify Contracting Parties participating in these fisheries when the total catch for *Dissostichus eleginoides* and *Dissostichus mawsoni* combined in any SSRU is likely to reach the specified catch limit, and of the closure of that SSRU when that limit is reached.[4] No part of a trawl path may lie within a closed SSRU and no part of a longline may be set within a closed SSRU.

4. The by-catch in each exploratory fishery shall be regulated as in Conservation Measure 33–03.

5. The total number and weight of *Dissostichus eleginoides* and *Dissostichus mawsoni* discarded, including those with the 'jellymeat' condition, shall be reported.

6. Each vessel participating in the exploratory fisheries for *Dissostichus* spp. during the 2008/09 season shall have one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, and where possible one additional scientific observer, on board throughout all fishing activities within the fishing season.

7. The Data Collection Plan (Annex 41–01/A), Research Plan (Annex 41–01/B) and Tagging Program (Annex 41–01/C) shall be implemented. Data collected pursuant to the Data Collection and Research Plans for the period up to 31 August 2009 shall be reported to CCAMLR by 30 September 2009 so that the data will be available to the meeting of the Working Group on Fish Stock Assessment (WG–FSA) in 2009. Such data taken after 31 August 2009 shall be reported to CCAMLR not later than three months after the closure of the fishery, but, where possible, submitted in time for the consideration of WG–FSA.

8. Members who choose not to participate in the fishery prior to the commencement of the fishery shall inform the Secretariat of changes in their plans no later than one month before the start of the fishery. If, for whatever reason, Members are unable to participate in the fishery, they shall inform the Secretariat no later than one week after finding that they cannot participate. The Secretariat will inform all Contracting Parties immediately after such notification is received.

[1] Except for waters adjacent to the Kerguelen and Crozet Islands.

[2] Except for waters adjacent to the Prince Edward Islands.

[3] Unless otherwise specified, the catch limit for *Dissostichus* spp. shall be 100 tonnes in any SSRU except in respect of Statistical Subarea 88.2.

[4] The closure of fisheries is governed by Conservation Measure 31–02.

Annex 41–01/A

Data Collection Plan for Exploratory Fisheries

1. All vessels will comply with the Five-day Catch and Effort Reporting System (Conservation Measure 23–01) and Monthly Fine-scale Catch, Effort and Biological Data Reporting Systems (Conservation Measures 23–04 and 23–05).

2. All data required by the CCAMLR *Scientific Observers Manual* for finfish fisheries will be collected. These include:

(i) Position, date and depth at the start and end of every haul;

(ii) Haul-by-haul catch and catch per effort by species;

(iii) Haul-by-haul length frequency of common species;

(iv) Sex and gonad state of common species;

(v) Diet and stomach fullness;

(vi) Scales and/or otoliths for age determination;

(vii) Number and mass by species of by-catch of fish and other organisms;

(viii) Observation on occurrence and incidental mortality of seabirds and mammals in relation to fishing operations.

3. Data specific to longline fisheries will be collected. These include:

(i) Position and sea depth at each end of every line in a haul;

(ii) Setting, soak and hauling times;

(iii) Number and species of fish lost at surface;

(iv) Number of hooks set;

(v) Bait type;

(vi) Baiting success (%);

(vii) Hook type.

Annex 41–01/B

Research Plan for Exploratory Fisheries

1. Activities under this Research Plan shall not be exempted from any conservation measure in force.

2. This plan applies to all small-scale research units (SSRUs) as defined in Table 1 and Figure 1.

3. Except when fishing in Statistical Subareas 88.1 and 88.2 (see paragraph 5), any vessel undertaking prospecting or commercial fishing in any SSRU must undertake the following research activities:

(i) On first entry into an SSRU, the first 10 hauls, whether by trawl or longline, shall be designated 'research hauls' and must satisfy the criteria set out in paragraph 4. Research hauls shall be carried out on, or close to, positions provided by the CCAMLR Secretariat,[1] based on a stratified random design in prescribed areas within that SSRU.

(ii) On completion of 10 research hauls the vessel may continue to fish within the SSRU.

4. To be designated as a research haul:

(i) Each research haul must be separated by not less than 5 n miles from any other research haul, distance to be measured from the geographical midpoint of each research haul;

(ii) Each haul shall comprise: for longlines, at least 3 500 hooks and no more than 5 000 hooks; this may comprise a number of separate lines set in the same location; for trawls, at least 30 minutes effective fishing time as defined in the *Draft Manual for Bottom Trawl Surveys in the Convention Area* (SC–CAMLR–XI, Annex 5, Appendix H, Attachment E, paragraph 4);

(iii) Each haul of a longline shall have a soak time of not less than six hours, measured from the time of completion of the setting process to the beginning of the hauling process.

5. In the exploratory fisheries in Statistical Subareas 88.1 and 88.2, all data specified in the Data Collection Plan (Annex 41–01/A) of this conservation measure shall be collected for every haul; all fish of each *Dissostichus* species in a haul (up to a maximum of 35 fish) are to be measured and randomly sampled for biological studies (paragraphs 2(iv) to (vi) of Annex 41–01/A).

6. In all other exploratory fisheries, all data specified in the Data Collection Plan (Annex 41–01/A) of this conservation measure shall be collected for every research haul; in particular, all fish in a research haul up to 100 fish are to be measured and at least 30 fish sampled for biological studies (paragraphs 2(iv) to (vi) of Annex 41–01/A). Where more than 100 fish are caught, a method for randomly subsampling the fish should be applied.

[1] The Secretariat will generate a list of random stations for each vessel participating in exploratory fisheries. These lists will be provided to notifying Members prior to the start of the fishing season (SC–CAMLR–XXVII, paragraphs 4.113 and 4.114).

TABLE 1—DESCRIPTION OF SMALL-SCALE RESEARCH UNITS (SSRUS)

[See also Figure 1]

Region	SSRU	Boundary line
48.6	A	From 50° S 20° W, due east to 1° 30′E, due south to 60° S, due west to 20° W, due north to 50° S.
	B	From 60° S 20° W, due east to 10° W, due south to coast, westward along coast to 20° W, due north to 60° S.
	C	From 60° S 10° W, due east to 0° longitude, due south to coast, westward along coast to 10° W, due north to 60° S.
	D	From 60° S 0° longitude, due east to 10° E, due south to coast, westward along coast to 0° longitude, due north to 60° S.
	E	From 60° S 10° E, due east to 20° E, due south to coast, westward along coast to 10° E, due north to 60° S.
	F	From 60° S 20° E, due east to 30° E, due south to coast, westward along coast to 20° E, due north to 60° S.
	G	From 50° S 1° 30′E, due east to 30° E, due south to 60° S, due west to 1° 30′E, due north to 50° S.
58.4.1	A	From 55° S 86° E, due east to 150° E, due south to 60° S, due west to 86° E, due north to 55° S.
	B	From 60° S 86° E, due east to 90° E, due south to coast, westward along coast to 80° E, due north to 64° S, due east to 86° E, due north to 60° S.
	C	From 60° S 90° E, due east to 100° E, due south to coast, westward along coast to 90° E, due north to 60° S.
	D	From 60° S 100° E, due east to 110° E, due south to coast, westward along coast to 100° E, due north to 60° S.
	E	From 60° S 110° E, due east to 120° E, due south to coast, westward along coast to 110° E, due north to 60° S.
	F	From 60° S 120° E, due east to 130° E, due south to coast, westward along coast to 120° E, due north to 60° S.
	G	From 60° S 130° E, due east to 140° E, due south to coast, westward along coast to 130° E, due north to 60° S.
	H	From 60° S 140° E, due east to 150° E, due south to coast, westward along coast to 140° E, due north to 60° S.
58.4.2	A	From 62° S 30° E, due east to 40° E, due south to coast, westward along coast to 30° E, due north to 62° S.
	B	From 62° S 40° E, due east to 50° E, due south to coast, westward along coast to 40° E, due north to 62° S.
	C	From 62° S 50° E, due east to 60° E, due south to coast, westward along coast to 50° E, due north to 62° S.
	D	From 62° S 60° E, due east to 70° E, due south to coast, westward along coast to 60° E, due north to 62° S.
	E	From 62° S 70° E, due east to 73° 10′E, due south to 64° S, due east to 80° E, due south to coast, westward along coast to 70° E, due north to 62° S.
58.4.3a	A	Whole division, from 56° S 60° E, due east to 73° 10′E, due south to 62° S, due west to 60° E, due north to 56° S.
58.4.3b	A	From 56° S 73° 10′E, due east to 79° E, south to 59° S, due west to 73° 10′E, due north to 56° S.
	B	From 60° S 73° 10′E, due east to 86° E, south to 64° S, due west to 73° 10′E, due north to 60° S.
	C	From 59° S 73° 10′E, due east to 79° E, south to 60° S, due west to 73° 10′E, due north to 59° S.
	D	From 59° S 79° E, due east to 86° E, south to 60° S, due west to 79° E, due north to 59° S.
	E	From 56° S 79° E, due east to 80° E, due north to 55° S, due east to 86° E, south to 59° S, due west to 79° E, due north to 56° S.
58.4.4	A	From 51° S 40° E, due east to 42° E, due south to 54° S, due west to 40° E, due north to 51° S.
	B	From 51° S 42° E, due east to 46° E, due south to 54° S, due west to 42° E, due north to 51° S.
	C	From 51° S 46° E, due east to 50° E, due south to 54° S, due west to 46° E, due north to 51° S.
	D	Whole division excluding SSRUs A, B, C, and with outer boundary from 50° S 30° E, due east to 60° E, due south to 62° S, due west to 30° E, due north to 50° S.

TABLE 1—DESCRIPTION OF SMALL-SCALE RESEARCH UNITS (SSRUS)—Continued

[See also Figure 1]

Region	SSRU	Boundary line
58.6	A	From 45° S 40° E, due east to 44° E, due south to 48° S, due west to 40° E, due north to 45° S.
	B	From 45° S 44° E, due east to 48° E, due south to 48° S, due west to 44° E, due north to 45° S.
	C	From 45° S 48° E, due east to 51° E, due south to 48° S, due west to 48° E, due north to 45° S.
	D	From 45° S 51° E, due east to 54° E, due south to 48° S, due west to 51° E, due north to 45° S.
58.7	A	From 45° S 37° E, due east to 40° E, due south to 48° S, due west to 37° E, due north to 45° S.
88.1	A	From 60° S 150° E, due east to 170° E, due south to 65° S, due west to 150° E, due north to 60° S.
	B	From 60° S 170° E, due east to 179° E, due south to 66° 40′S, due west to 170° E, due north to 60° S.
	C	From 60° S 179° E, due east to 170° W, due south to 70° S, due west to 178° W, due north to 66° 40′S, due west to 179° E, due north to 60° S.
	D	From 65° S 150° E, due east to 160° E, due south to coast, westward along coast to 150° E, due north to 65° S.
	E	From 65° S 160° E, due east to 170° E, due south to 68° 30′S, due west to 160° E, due north to 65° S.
	F	From 68° 30′S 160° E, due east to 170° E, due south to coast, westward along coast to 160° E, due north to 68° 30′S.
	G	From 66° 40′S 170° E, due east to 178° W, due south to 70° S, due west to 178° 50′E, due south to 70° 50′S, due west to 170° E, due north to 66° 40′S.
	H	From 70° 50′S 170° E, due east to 178° 50′E, due south to 73° S, due west to coast, northward along coast to 170° E, due north to 70° 50′S.
	I	From 70° S 178° 50′E, due east to 170° W, due south to 73° S, due west to 178° 50′E, due north to 70° S.
	J	From 73° S at coast near 170° 30′E, due east to 178° 50′E, due south to 80° S, due west to 170° E, northward along coast to 73° S.
	K	From 73° S 178° 50′E, due east to 170° W, due south to 76° S, due west to 178° 50′E, due north to 73° S.
	L	From 76° S 178° 50′E, due east to 170° W, due south to 80° S, due west to 178° 50′E, due north to 76° S.
	M	From 73° S at coast near 169° 30′E, due east to 170° E, due south to 80° S, due west to coast, northward along coast to 73° S.
88.2	A	From 60° S 170° W, due east to 160° W, due south to coast, westward along coast to 170° W, due north to 60° S.
	B	From 60° S 160° W, due east to 150° W, due south to coast, westward along coast to 160° W, due north to 60° S.
	C	From 60° S 150° W, due east to 140° W, due south to coast, westward along coast to 150° W, due north to 60° S.
	D	From 60° S 140° W, due east to 130° W, due south to coast, westward along coast to 140° W, due north to 60° S.
	E	From 60° S 130° W, due east to 120° W, due south to coast, westward along coast to 130° W, due north to 60° S.
	F	From 60° S 120° W, due east to 110° W, due south to coast, westward along coast to 120° W, due north to 60° S.
	G	From 60° S 110° W, due east to 105° W, due south to coast, westward along coast to 110° W, due north to 60° S.
88.3	A	From 60° S 105° W, due east to 95° W, due south to coast, westward along coast to 105° W, due north to 60° S.
	B	From 60° S 95° W, due east to 85° W, due south to coast, westward along coast to 95° W, due north to 60° S.
	C	From 60° S 85° W, due east to 75° W, due south to coast, westward along coast to 85° W, due north to 60° S.
	D	From 60° S 75° W, due east to 70° W, due south to coast, westward along coast to 75° W, due north to 60° S.

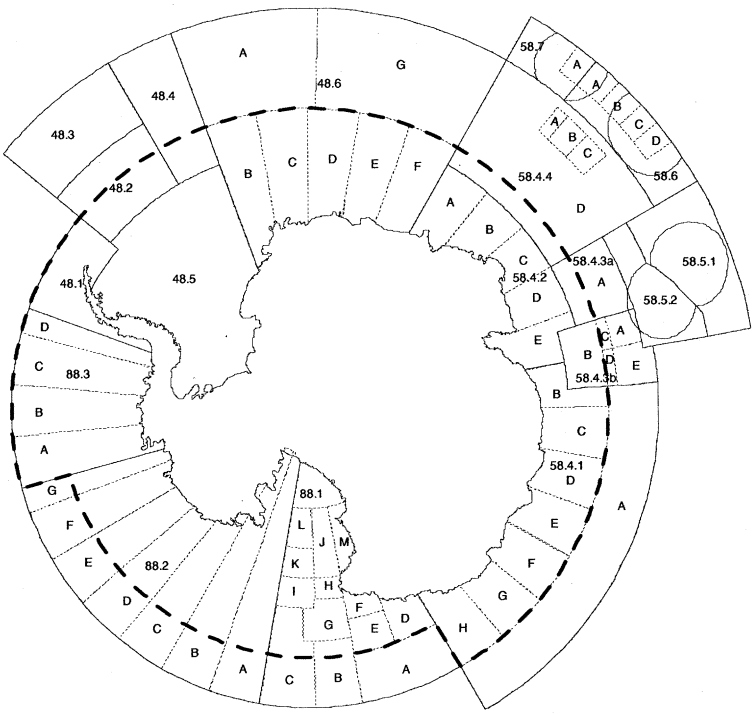


Figure 1: Small-scale research units for new and exploratory fisheries. The boundaries of these units are listed in Table 1. EEZ boundaries for Australia, France and South Africa are marked in order to address notifications for new and exploratory fisheries in waters adjacent to these zones. Dashed line – approximate delineation between Dissostichus eleginoides and Dissostichus mawsoni.

Annex 41–01/C

Tagging Program for *Dissostichus* spp. and Skates in Exploratory Fisheries

1. The responsibility for ensuring tagging, tag recovery and correct reporting shall lie with the Flag State of the fishing vessel. The fishing vessel shall cooperate with the CCAMLR scientific observer in undertaking the tagging program.

2. This program shall apply in each exploratory longline fishery, and any vessel that participates in more than one exploratory fishery shall apply the following in each exploratory fishery in which that vessel fishes:

(i) Each longline vessel shall tag and release *Dissostichus* spp., continuously while fishing, at a rate specified in the conservation measure for that fishery according to the CCAMLR Tagging Protocol [1].

(ii) The program shall target toothfish of all sizes in order to meet the tagging requirement, only toothfish that are in good condition shall be tagged and the availability of these fish shall be reported by the observer. All released toothfish must be double-tagged and releases should cover as broad a geographical area as possible. In regions where both species occur, the tagging rate shall to the extent practicable be in proportion to the species and sizes of *Dissostichus* spp. present in the catches.

(iii) During the 2008/09 season (Year-of-the-Skate), each longline vessel shall tag and release skates, continuously while fishing, at a rate specified in the conservation measure for that fishery according to the CCAMLR Tagging Protocol. All tagged skates must be double-tagged and released alive.

(iv) All toothfish and skate tags for use in exploratory fisheries shall be sourced from the Secretariat.

(v) Recaptured tagged fish (*i.e.* fish caught that have a previously inserted tag) shall not be re-released, even if at liberty for only a short period.

(vi) All recaptured tagged fish should be biologically sampled (length, weight, sex, gonad stage), an electronic time-stamped photograph taken of the fish and tag, the otoliths recovered and the tag removed.

3. Toothfish that are tagged and released shall not be counted against the catch limits.

4. All relevant tag data and any data recording tag recaptures shall be reported electronically in the CCAMLR format [1] to the Executive Secretary (i) by the vessel every month along with its monthly fine-scale catch and effort (C2) data, and (ii) by the observer as part of the data reporting requirements for observer data [1].

5. All relevant tag data, any data recording tag recaptures, and specimens (tags and otoliths) from recaptures shall also be reported electronically in the CCAMLR format [1] to the relevant regional tag data repository as detailed in the CCAMLR Tagging Protocol (available at *http://www.ccamlr.org/pu/e/sc/tag/intro.htm*).

[1] In accordance with the CCAMLR Tagging Protocol for exploratory fisheries which is available from the Secretariat and included in the scientific observer logbook forms.

Conservation Measure 41–02 (2008)

Limits on the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3 in the 2007/08 and 2008/09 seasons
(Species: toothfish; Area: 48.3; Season: 2007/08 and 2008/09; Gear: longline, pot)

The Commission hereby adopts the following conservation measure in accordance with Conservation Measure 31–01:

Access 1. The fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3 shall be conducted by vessels using longlines and pots only.

2. For the purpose of this fishery, the area open to the fishery is defined as that portion of Statistical Subarea 48.3 that lies within the area bounded by latitudes 52°30′ S and 56°0′ S and by longitudes 33°30′ W and 48°0′ W.

3. A map illustrating the area defined by paragraph 2 is appended to this conservation measure (Annex 41–02/A). The portion of Statistical Subarea 48.3 outside that defined above shall be closed to directed fishing for *Dissostichus eleginoides* in the 2007/08 and 2008/09 seasons.

Catch limit 4. The total catch of *Dissostichus eleginoides* in Statistical Subarea 48.3 in the 2007/08 and 2008/09 seasons shall be limited to 3 920 tonnes in each season. The catch limit shall be further subdivided between the Management Areas shown in Annex 41–02/A as follows:

Management Area A: 0 tonnes
Management Area B: 1 176 tonnes in each season
Management Area C: 2 744 tonnes in each season.

Season 5. For the purpose of the longline fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3, the 2007/08 and 2008/09 seasons are defined as the period from 1 May to 31 August in each season, or until the catch limit is reached, whichever is sooner. For the purpose of the pot fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3, the 2007/08 and 2008/09 seasons are defined as the period from 1 December to 30 November, or until the catch limit is reached, whichever is sooner. The season for longline fishing operations may be extended to 14 September in each season for any vessel which has demonstrated full compliance with Conservation Measure 25–02 in the previous season. This extension to the season shall also be subject to a catch limit of three (3) seabirds per vessel. If three seabirds are caught during the season extension, fishing shall cease immediately for that vessel.

By-catch 6. The by-catch of crab in any pot fishery undertaken shall be counted against the catch limit in the crab fishery in Statistical Subarea 48.3.

7. The by-catch of finfish in the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3 in the 2007/08 and 2008/09 seasons shall not exceed 196 tonnes for skates and rays and 196 tonnes for *Macrourus* spp. in each season. For the purpose of these by-catch limits, '*Macrourus* spp.' and 'skates and rays' shall each be counted as a single species.

8. If the by-catch of any one species is equal to or greater than 1 tonne in any one haul or set, then the fishing vessel shall move to another location at least 5 n miles [1] distant. The fishing vessel shall not return to any point within 5 n miles of the location where the by-catch exceeded 1 tonne for a period of at least five days [2]. The location where the by-catch exceeded 1 tonne is defined as the path [3] followed by the fishing vessel.

Mitigation 9. The operation of this fishery shall be carried out in accordance with Conservation Measure 25–02 so as to minimise the incidental mortality of seabirds in the course of fishing.

Observers 10. Each vessel participating in this fishery shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, and where possible one additional scientific observer, on board throughout all fishing activities within the fishing period.

Data: catch/effort 11. For the purpose of implementing this conservation measure, the following shall apply:

(i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 23–01;

(ii) the Monthly Fine-scale Catch and Effort Reporting System set out in Conservation Measure 23–04. Fine-scale data shall be submitted on a haul-by-haul basis.

12. For the purpose of Conservation Measures 23–01 and 23–04, the target species is *Dissostichus eleginoides* and by-catch species are defined as any species other than *Dissostichus eleginoides.*

13. The total number and weight of *Dissostichus eleginoides* discarded, including those with the 'jellymeat' condition, shall be reported. These fish will count towards the total allowable catch.

Data: biological 14. Fine-scale biological data, as required under Conservation Measure 23–05, shall be collected and recorded. Such data shall be reported in accordance with the CCAMLR Scheme of International Scientific Observation.

Research fishing 15. Catches of *Dissostichus eleginoides* taken under the provisions of Conservation Measure 24–01 in the area of the fishery defined in this conservation measure shall be considered as part of the catch limit.

Environ-mental protection 16. Conservation Measure 26–01 applies.

[1] This provision concerning the minimum distance separating fishing locations is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

[2] The specified period is adopted in accordance with the reporting period specified in Conservation Measure 23–01, pending the adoption of a more appropriate period by the Commission.

[3] For a longline or a pot, the path is defined from the point at which the first anchor of a set was deployed to the point at which the last anchor of that set was deployed.

[Annex 41–02/a is unchanged]

Conservation Measure 41–03 (2008)

Limits on the fishery for *Dissostichus* spp. in Statistical Subarea 48.4 in the 2008/09 fishing season
(Species: toothfish; Area: 48.4; Season: 2008/09; Gear: longline)

Access 1. Directed fishing shall be by longlines only. The use of all other methods of directed fishing for *Dissostichus* spp. in Statistical Subarea 48.4 shall be prohibited.

2. For the purpose of this fishery, the areas open to fishing are defined as that portion of Statistical Subarea 48.4 that lies within the area bounded by latitudes 55°30′ S and 57°20′ S and by longitudes 25°30′ W and 29°30′ W (Northern Area), and that portion of Statistical Subarea 48.4 that lies within the area bounded by latitudes 57°20′ S and 60°00′ S and by longitudes 24°30′ W and 29°00′ W (Southern Area).

3. A map illustrating the areas defined by paragraph 2 is appended to this conservation measure (Annex 41–03/A). The portion of Statistical Subarea 48.4 outside that defined above shall be closed to directed fishing for *Dissostichus* spp. in the 2008/09 season.

Catch limit 4. In the Northern Area of Statistical Subarea 48.4, the total catch of *Dissostichus eleginoides* shall be limited to 75 tonnes, and the taking of *Dissostichus mawsoni,* other than for scientific research purposes, is prohibited.

5. In the Southern Area of Statistical Subarea 48.4, the total catch of *Dissostichus* spp. shall be limited to 75 tonnes.

Season 6. For the purposes of the fishery for *Dissostichus* spp. in Statistical Subarea 48.4, the fishing

season shall be 1 December 2008 to 30 November 2009, or until the total catch limit for *Dissostichus* spp. in Statistical Subarea 48.4 is reached, whichever is sooner.

By-catch 7. In the Northern Area of Statistical Subarea 48.4, the by-catch of finfish shall not exceed 4 tonnes for skates and rays and 12 tonnes for Macrourus spp.

8. In the Southern Area of Statistical Subarea 48.4, the by-catch of finfish shall trigger a move-on rule if the catch of skates and rays exceeds 5% of the catch of *Dissostichus* spp. in any one haul or set, or if the catch of *Macrourus* spp. exceeds 16% of the catch of *Dissostichus* spp. in any one haul or set. If the move-on rule is triggered, then the fishing vessel shall move to another location at least 5 n miles[1] distant. The fishing vessel shall not return to any point within 5 n miles of the location where the move-on rule was triggered for a period of at least five days[2]. The location where the move-on rule was triggered is defined as the path[3] followed by the fishing vessel.

9. For the purpose of these by-catch limits, '*Macrourus* spp.' and 'skates and rays' shall each be counted as a single species.

10. *Dissostichus mawsoni* caught in the Northern Area of Statistical Subarea 48.4 shall, if in good condition, be tagged and released; or if dead, may be retained.

Mitigation 11. Fishing in Statistical Subarea 48.4 shall be carried out in accordance with the provisions of Conservation Measure 25–02. When fishing is carried out in accordance with the provisions of Conservation Measure 24–02, vessels may, subject to paragraph 13 below, fish during daylight hours in an exemption to paragraph 5 (night setting) of Conservation Measure 25–02.

12. Fishing in Statistical Subarea 48.4 in December, January, February, March, October and November shall, in addition to paragraph 11 above, be carried out in accordance with the provisions of Conservation Measure 24–02.

13. Any vessel fishing under the exemption from night setting provided in paragraph 11 above and catching a total of three (3) seabirds shall immediately revert to night setting in accordance with Conservation Measure 25–02.

Observers 14. Each vessel participating in the fishery for *Dissostichus* spp. in Statistical Subarea 48.4 shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.

Data: atch/effort 15. For the purpose of implementing this conservation measure, the following shall apply:

(i) The Five-day Catch and Effort Reporting System set out in Conservation Measure 23–01;

(ii) The Monthly Fine-scale Catch and Effort Data Reporting System set out in Conservation Measure 23–04. Data shall be reported on a haul-by-haul basis. For the purposes of Conservation Measure 23–04, the target species is *Dissostichus* spp., and 'by-catch species' are defined as any species other than *Dissostichus* spp.

Data: Biological 16. Fine-scale biological data, as required under Conservation Measure 23–05 shall be collected and recorded. Such data shall be reported in accordance with the Scheme of International Scientific Observation.

Tagging program 17. Each vessel taking part in the fishery for *Dissostichus* spp. in Statistical Subarea 48.4 shall undertake a tagging program in accordance with the CCAMLR Tagging Protocol. The following additional provisions shall apply:

(i) Fish should be tagged at an average rate of five fish per tonne of green weight catch throughout the season;

(ii) Fish should be tagged that have been caught across as broad a range of depths within the designated area as practicable;

(iii) Fish of a range of total lengths should be tagged.

Environmental protection 18. Conservation Measure 26–01 applies.

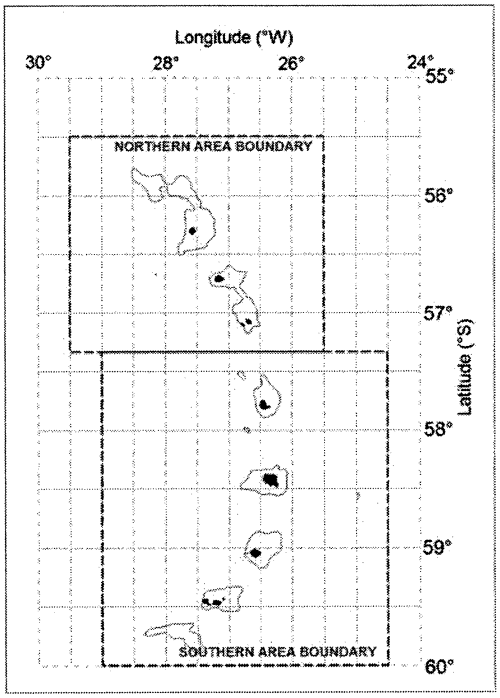
[1] This provision concerning the minimum distance separating fishing locations is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

[2] The specified period is adopted in accordance with the reporting period specified in Conservation Measure 23–01, pending the adoption of a more appropriate period by the Commission.

[3] For a longline or a pot, the path is defined from the point at which the first anchor of a set was deployed to the point at which the last anchor of that set was deployed.

Annex 41–03/A

Statistical Subarea 48.4—Northern Area and Southern Area of the fishery in the 2008/09 season according to paragraph 2. Latitudes and longitudes are given in degrees, and the 1,000 m contour is shown.



Conservation Measure 41–04 (2008)

Limits on the exploratory fishery for *Dissostichus* spp. in Statistical Subarea 48.6 in the 2008/09 season (Species: toothfish; Area: 48.6; Season: 2008/09; Gear: longline)

The Commission hereby adopts the following conservation measure in accordance with Conservation Measure 21–02:

Access 1. Fishing for *Dissostichus* spp. in Statistical Subarea 48.6 shall be limited to the exploratory longline fishery by Japan and the Republic of Korea. The fishery shall be conducted by Japanese and Korean flagged vessels using longlines only. No more than one vessel per country shall fish at any one time.

2. Fishing is prohibited in depths shallower than 550 m in order to protect benthic communities.

Catch limit 3. The total catch of *Dissostichus* spp. in Statistical Subarea 48.6 in the 2008/09 season shall not exceed a precautionary catch limit of 200 tonnes north of 60° S and 200 tonnes south of 60° S.

Season 4. For the purpose of the exploratory longline fishery for *Dissostichus* spp. in Statistical Subarea 48.6, the 2008/09 season is defined as the period from 1 December 2008 to 30 November 2009.

By-catch 5. The by-catch in this fishery shall be regulated as set out in Conservation Measure 33–03.

Mitigation 6. The exploratory longline fishery for *Dissostichus* spp. in Statistical Subarea 48.6 shall be carried out in accordance with the provisions of Conservation Measure 25–02, except paragraph 5 (night setting), which shall not apply as long as the requirements of Conservation Measure 24–02 are met.[1]

7. Any vessel catching a total of three (3) seabirds shall immediately revert to night setting in accordance with Conservation Measure 25–02.

Observers 8. Each vessel participating in the fishery shall have at least two scientific observers, one of whom shall be an observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.

Data: Catch/effort

9. For the purpose of implementing this conservation measure in the 2008/09 season, the following shall apply:

(i) The Five-day Catch and Effort Reporting System set out in Conservation Measure 23–01;

(ii) The Monthly Fine-scale Catch and Effort Reporting System set out in Conservation Measure 23–04. Fine-scale data shall be submitted on a haul-by-haul basis.

10. For the purpose of Conservation Measures 23–01 and 23–04, the target species is *Dissostichus* spp. and by-catch species are defined as any species other than *Dissostichus* spp.

Data: Biological

11. Fine-scale biological data, as required under Conservation Measure 23–05, shall be collected and recorded. Such data shall be reported in accordance with the CCAMLR Scheme of International Scientific Observation.

Research 12. Each vessel participating in this exploratory fishery shall conduct fishery-based research in accordance with the Research Plan and Tagging Program described in Conservation Measure 41–01, Annex B and Annex C respectively.

13. Toothfish shall be tagged at a rate of at least three fish per tonne green weight caught.

14. Skates shall be tagged at a rate of at least one skate per five skates caught, up to a maximum of 500 skates per vessel.

Environmental protection 15. Conservation Measure 26–01 applies.

16. There shall be no offal discharge in this fishery.

17. Conservation Measures 22–06 and 22–07 apply.

[1] The Japanese-flagged vessel *Shinsei Maru No. 3* is exempted from the requirement to conduct longline sink rate tests outside the Convention Area when fishing at the end of the 2007/08 season and into the 2008/09 season, provided that the vessel conducted regular longline sink rate testing in 2007/08.

Conservation Measure 41–05 (2008)

Limits on the exploratory fishery for *Dissostichus* spp. in Statistical Division 58.4.2 in the 2008/09 season (Species: toothfish; Area: 58.4.2; Season: 2008/09; Gear: longline)

The Commission hereby adopts the following conservation measure in accordance with Conservation Measure 21–02, and notes that this measure would be for one year and that data

arising from these activities would be reviewed by the Scientific Committee:

Access 1. Fishing for *Dissostichus* spp. in Statistical Division 58.4.2 shall be limited to the exploratory longline fishery by Japan, Republic of Korea, Spain and Uruguay. The fishery shall be conducted by one (1) Japanese, four (4) Korean, one (1) Spanish and one (1) Uruguayan flagged vessels using longlines only.

2. Fishing is prohibited in depths shallower than 550 m in order to protect benthic communities.

Catch limit 3. The total catch of *Dissostichus* spp. in Statistical Division 58.4.2, in the 2008/09 season shall not exceed a precautionary catch limit of 70 tonnes applied as follows:

SSRU A—30 tonnes
SSRU B—0 tonnes
SSRU C—0 tonnes
SSRU D—0 tonnes
SSRU E—40 tonnes.

Season 4. For the purpose of the exploratory longline fishery for *Dissostichus* spp. in Statistical Division 58.4.2, the 2008/09 season is defined as the period from 1 December 2008 to 30 November 2009.

Fishing operations 5. The exploratory longline fishery for *Dissostichus* spp. in Statistical Division 58.4.2 shall be carried out in accordance with the provisions of Conservation Measure 41–01, except paragraph 6.

By-catch 6. The by-catch in this fishery shall be regulated as set out in Conservation Measure 33–03.

Mitigation 7. The exploratory longline fishery for *Dissostichus* spp. in Statistical Division 58.4.2 shall be carried out in accordance with the provisions of Conservation Measure 25–02, except paragraph 5 (night setting) shall not apply, providing that vessels comply with Conservation Measure 24–02.

8. Any vessel catching a total of three (3) seabirds shall immediately revert to night setting in accordance with Conservation Measure 25–02.

Observers 9. Each vessel participating in the fishery shall have at least two scientific observers, one of whom shall be an observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.

Research 10. Each vessel participating in this exploratory fishery shall conduct fishery-based research in accordance with the Research Plan and Tagging Program described in Conservation Measure 41–01, Annex B and Annex C respectively.

11. Toothfish shall be tagged at a rate of at least three fish per tonne green weight caught.

12. Skates shall be tagged at a rate of at least one skate per five skates caught, up to a maximum of 500 skates per vessel.

Data: Catch/Effort

13. For the purpose of implementing this conservation measure in the 2008/09 season, the following shall apply:

(i) The Five-day Catch and Effort Reporting System set out in Conservation Measure 23–01;

(ii) The Monthly Fine-scale Catch and Effort Reporting System set out in Conservation Measure 23–04. Fine-scale data shall be submitted on a haul-by-haul basis.

14. For the purpose of Conservation Measures 23–01 and 23–04, the target species is *Dissostichus* spp. and by-catch species are defined as any species other than *Dissostichus* spp.

Data: Biological

15. Fine-scale biological data, as required under Conservation Measure 23–05, shall be collected and recorded. Such data shall be reported in accordance with the CCAMLR Scheme of International Scientific Observation.

Environmental protection 16. Conservation Measure 26–01 applies.

17. Conservation Measures 22–06 and 22–07 apply.

Conservation Measure 41–06 (2008)

Limits on the exploratory fishery for *Dissostichus* spp. on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction in the 2008/09 season
(Species: toothfish; Area: 58.4.3a; Season: 2008/09; Gear: longline)

The Commission hereby adopts the following conservation measure in accordance with Conservation Measure 21–02:

Access 1. Fishing for *Dissostichus* spp. on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction shall be limited to the exploratory fishery by Japan. The fishery shall be conducted by one (1) Japanese flagged vessel using longlines only.

2. Fishing is prohibited in depths shallower than 550 m in order to protect benthic communities.

Catch limit 3. The total catch of *Dissostichus* spp. on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction in the 2008/09 season shall not exceed a precautionary catch limit of 86 tonnes.

Season 4. For the purpose of the exploratory longline fishery for *Dissostichus* spp. on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction, the 2008/09 season is defined as the period from 1 May to 31 August 2009, or until the catch limit is reached, whichever is sooner.

By-catch 5. The by-catch in this fishery shall be regulated as set out in Conservation Measure 33–03.

Mitigation 6. The operation of this fishery shall be carried out in accordance with Conservation Measure 25–02 so as to minimise the incidental mortality of seabirds in the course of fishing.

7. The fishery on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction, may take place outside the prescribed season (paragraph 4) provided that, prior to entry into force of the licence, each vessel shall demonstrate its capacity to comply with longline weighting as approved by the Scientific Committee and described in Conservation Measure 24–02 and such data shall be reported to the Secretariat immediately.

8. Should a total of three (3) seabirds be caught by a vessel outside the normal season (defined in paragraph 4), the vessel shall cease fishing immediately and shall not be permitted to fish outside the normal fishing season for the remainder of the 2008/09 fishing season.

Observers 9. Each vessel participating in this fishery shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, and where possible one additional scientific observer, on board throughout all fishing activities within the fishing period.

Data: Catch/Effort

10. For the purpose of implementing this conservation measure in the 2008/09 season, the following shall apply:

(i) The Five-day Catch and Effort Reporting System set out in Conservation Measure 23–01;

(ii) The Monthly Fine-scale Catch and Effort Reporting System set out in Conservation Measure 23–04. Fine-scale data shall be submitted on a haul-by-haul basis.

11. For the purpose of Conservation Measures 23–01 and 23–04, the target species is *Dissostichus* spp. and by-catch species are defined as any species other than *Dissostichus* spp.

Data: Biological

12. Fine-scale biological data, as required under Conservation Measure 23–05, shall be collected and recorded. Such data shall be reported in

accordance with the CCAMLR Scheme of International Scientific Observation.

Research 13. Each vessel participating in this exploratory fishery shall conduct fishery-based research in accordance with the Research Plan and Tagging Program described in Conservation Measure 41–01, Annex B and Annex C, respectively.

14. Toothfish shall be tagged at a rate of at least three fish per tonne green weight caught.

15. Skates shall be tagged at a rate of at least one skate per five skates caught, up to a maximum of 500 skates per vessel.

Environmental protection 16. Conservation Measure 26–01 applies.

17. Conservation Measures 22–06 and 22–07 apply.

Conservation Measure 41–07 (2008)

Limits on the exploratory fishery for *Dissostichus* spp. on BANZARE Bank (Statistical Division 58.4.3b) outside areas of national jurisdiction in the 2008/09 season

(Species: toothfish; Area: 58.4.3b; Season: 2008/09; Gear: longline)

The Commission hereby adopts the following conservation measure in accordance with Conservation Measure 21–02:

Access 1. Fishing for *Dissostichus* spp. on BANZARE Bank (Statistical Division 58.4.3b) outside areas of national jurisdiction shall be limited to the exploratory fishery by Japan, Spain and Uruguay. The fishery shall be conducted by Japanese, Spanish and Uruguayan flagged vessels using longlines only. No more than one vessel per country shall fish at any one time.

2. Fishing is prohibited in depths shallower than 550 m in order to protect benthic communities.

Catch limit 3. The total catch of *Dissostichus* spp. on BANZARE Bank (Statistical Division 58.4.3b) outside areas of national jurisdiction in the 2008/09 season shall not exceed a precautionary catch limit of 120 tonnes applied as follows:

SSRU A—30 tonnes
SSRU B—0 tonnes
SSRU C—30 tonnes
SSRU D—30 tonnes
SSRU E—30 tonnes.

Season 4. For the purpose of the exploratory longline fishery for *Dissostichus* spp. on BANZARE Bank (Statistical Division 58.4.3b) outside areas of national jurisdiction, the 2008/09 season is defined as the period from 1 May to 31 August 2009, or until the catch limit is reached, whichever is sooner.

By-catch 5. The by-catch in this fishery shall be regulated as set out in Conservation Measure 33–03.

Mitigation 6. The operation of this fishery shall be carried out in accordance with Conservation Measure 25–02 so as to minimise the incidental mortality of seabirds in the course of fishing.

7. The fishery on BANZARE Bank (Statistical Division 58.4.3b) outside areas of national jurisdiction, may take place outside the prescribed season (paragraph 4) provided that, prior to entry into force of the licence, each vessel shall demonstrate its capacity to comply with experimental line-weighting trials as approved by the Scientific Committee and described in Conservation Measure 24–02 and such data shall be reported to the Secretariat immediately.

8. Should a total of three (3) seabirds be caught by a vessel outside the normal season (defined in paragraph 4), the vessel shall cease fishing immediately and shall not be permitted to fish outside the normal fishing season for the remainder of the 2008/09 fishing season.

Observers 9. Each vessel participating in this fishery shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, and where possible one additional scientific observer, on board throughout all fishing activities within the fishing period.

Data: Catch/Effort

10. For the purpose of implementing this conservation measure in the 2008/09 season, the following shall apply:

(i) The Five-day Catch and Effort Reporting System set out in Conservation Measure 23–01;

(ii) The Monthly Fine-scale Catch and Effort Reporting System set out in Conservation Measure 23–04. Fine-scale data shall be submitted on a haul-by-haul basis.

11. For the purpose of Conservation Measures 23–01 and 23–04, the target species is *Dissostichus* spp. and by-catch species are defined as any species other than *Dissostichus* spp.

Data: Biological

12. Fine-scale biological data, as required under Conservation Measure 23–05, shall be collected and recorded. Such data shall be reported in accordance with the CCAMLR Scheme of International Scientific Observation.

Research 13. Each vessel participating in this exploratory fishery shall conduct fishery-based research in accordance with the Research Plan and Tagging Program described in Conservation Measure 41–01, Annex B and Annex C respectively.

14. Toothfish shall be tagged at a rate of at least three fish per tonne green weight caught.

15. Skates shall be tagged at a rate of at least one skate per five skates caught, up to a maximum of 500 skates per vessel.

Environmental protection 16. Conservation Measure 26–01 applies.

17. Conservation Measures 22–06 and 22–07 apply.

Conservation Measure 41–08 (2008)

Limits on the fishery for *Dissostichus eleginoides* in Statistical Division 58.5.2 in the 2007/08 and 2008/09 seasons

(Species: toothfish; Area: 58.5.2; Season: 2007/08 and 2008/09; Gear: various)

Access 1. The fishery for *Dissostichus eleginoides* in Statistical Division 58.5.2 shall be conducted by vessels using trawls, pots or longlines only.

Catch limit 2. The total catch of *Dissostichus eleginoides* in Statistical Division 58.5.2 in the 2007/08 and 2008/09 seasons shall be limited to 2 500 tonnes west of 79°20′ E.

Season 3. For the purpose of the trawl and pot fisheries for *Dissostichus eleginoides* in Statistical Division 58.5.2, the 2007/08 and 2008/09 seasons are defined as the period from 1 December to 30 November, or until the catch limit is reached, whichever is sooner. For the purpose of the longline fishery for *Dissostichus eleginoides* in Statistical Division 58.5.2, the 2007/08 and 2008/09 seasons are defined as the period from 1 May to 14 September in each season, or until the catch limit is reached, whichever is sooner. The season for longline fishing operations may be extended from 15 April to 30 April and 15 September to 31 October in each season for any vessel which has demonstrated full compliance with Conservation Measure 25–02 in the previous season. These extensions to the season will also be subject to a total catch limit of three (3) seabirds per vessel. If three seabirds are caught during the season extension, fishing throughout the season extensions shall cease immediately for that vessel.

By-catch 4. Fishing shall cease if the by-catch of any species reaches its by-catch limit as set out in Conservation Measure 33–02.

Mitigation 5. The operation of the trawl fishery shall be carried out in accordance with Conservation Measure 25–03 so as to minimise the incidental mortality of seabirds and mammals through the course of fishing. The

operation of the longline fishery shall be carried out in accordance with Conservation Measure 25–02, except paragraph 5 (night setting) shall not apply for vessels using integrated weighted lines (IWLs) during the period 1 May to 31 October in each season. Such vessels may deploy IWL gear during daylight hours if, prior to entry into force of the licence, each vessel shall demonstrate its capacity to comply with experimental line-weighting trials as approved by the Scientific Committee and described in Conservation Measure 24–02.

During the period 15 April to 30 April in each season, vessels shall use IWL gear and in a manner that ensures lines are set and hauled sequentially, in conjunction with night setting and paired streamer lines.

Observers 6. Each vessel participating in this fishery shall have at least one scientific observer, and may include one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period, with the exception of the period 15 April to 30 April in each season when two scientific observers shall be carried.

Data: Catch/Effort 7. For the purpose of implementing this conservation measure, the following shall apply:

(i) The Ten-day Catch and Effort Reporting System set out in Annex 41–08/A;

(ii) The Monthly Fine-scale Catch and Effort Reporting System set out in Annex 41–08/A. Fine-scale data shall be submitted on a haul-by-haul basis.

8. For the purpose of Annex 41–08/A, the target species is *Dissostichus eleginoides* and by-catch species are defined as any species other than *Dissostichus eleginoides*.

9. The total number and weight of *Dissostichus eleginoides* discarded, including those with the 'jellymeat' condition, shall be reported. These fish will count towards the total allowable catch.

Data: Biological 10. Fine-scale biological data, as required under Annex 41–08/A, shall be collected and recorded. Such data shall be reported in accordance with the CCAMLR Scheme of International Scientific Observation.

Environmental protection 11. Conservation Measure 26–01 applies.

[Annex 41–08/A is unchanged]

Conservation Measure 41–09 (2008)

Limits on the exploratory fishery for *Dissostichus* spp. in Statistical Subarea 88.1 in the 2008/09 season (Species: toothfish; Area: 88.1; Season: 2008/09; Gear: longline)

The Commission hereby adopts the following conservation measure in accordance with Conservation Measure 21–02:

Access 1. Fishing for *Dissostichus* spp. in Statistical Subarea 88.1 shall be limited to the exploratory longline fishery by Argentina, Chile, Republic of Korea, New Zealand, Russia, South Africa, Spain, UK and Uruguay. The fishery shall be conducted by a maximum in the season of two (2) Argentine, one (1) Chilean, four (4) Korean, four (4) New Zealand, three (3) Russian, one (1) South African, one (1) Spanish, three (3) UK and two (2) Uruguayan flagged vessels using longlines only.

2. Fishing is prohibited in depths shallower than 550 m in order to protect benthic communities.

Catch limit 3. The total catch of *Dissostichus* spp. in Statistical Subarea 88.1 in the 2008/09 season shall not exceed a precautionary catch limit of 2 700 tonnes applied as follows:

SSRU A—0 tonnes
SSRUs B, C and G—352 tonnes total
SSRU D—0 tonnes
SSRU E—0 tonnes
SSRU F—0 tonnes
SSRUs H, I and K—1 994 tonnes total
SSRU J and L—354 tonnes
SSRU M—0 tonnes.

Season 4. For the purpose of the exploratory longline fishery for *Dissostichus* spp. in Statistical Subarea 88.1, the 2008/09 season is defined as the period from 1 December 2008 to 31 August 2009.

Fishing operations 5. The exploratory longline fishery for *Dissostichus* spp. in Statistical Subarea 88.1 shall be carried out in accordance with the provisions of Conservation Measure 41–01, except paragraph 6.

By-catch 6. The total by-catch in Statistical Subarea 88.1 in the 2008/09 season shall not exceed a precautionary catch limit of 135 tonnes of skates and rays, and 430 tonnes of *Macrourus* spp. Within these total by-catch limits, individual limits will apply as follows:

SSRU A—0 tonnes of any species
SSRUs B, C and G total—50 tonnes of skates and rays, 40 tonnes of *Macrourus* spp., 60 tonnes of other species
SSRU D—0 tonnes of any species
SSRU E—0 tonnes of any species
SSRU F—0 tonnes of any species
SSRUs H, I and K total—99 tonnes of skates and rays, 320 tonnes of Macrourus spp., 60 tonnes of other species
SSRU J and L—50 tonnes of skates and rays, 70 tonnes of *Macrourus* spp., 40 tonnes of other species.
SSRU M—0 tonnes of any species.

The by-catch in this fishery shall be regulated as set out in Conservation Measure 33–03.

Mitigation 7. The exploratory longline fishery for *Dissostichus* spp. in Statistical Subarea 88.1 shall be carried out in accordance with the provisions of Conservation Measure 25–02, except paragraph 5 (night setting), which shall not apply as long as the requirements of Conservation Measure 24–02 are met.

8. Any vessel catching a total of three (3) seabirds shall immediately revert to night setting in accordance with Conservation Measure 25–02.

Observers 9. Each vessel participating in the fishery shall have at least two scientific observers, one of whom shall be an observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.

VMS 10. Each vessel participating in this exploratory longline fishery shall be required to operate a VMS at all times, in accordance with Conservation Measure 10–04.

CDS 11. Each vessel participating in this exploratory longline fishery shall be required to participate in the Catch Documentation Scheme for *Dissostichus* spp., in accordance with Conservation Measure 10–05.

Research 12. Each vessel participating in this exploratory fishery shall conduct fishery-based research in accordance with the Research Plan and Tagging Program described in Conservation Measure 41–01, Annex B and Annex C respectively. The setting of research hauls (Conservation Measure 41–01, Annex B, paragraphs 3 and 4) is not required.

13. Toothfish shall be tagged at a rate of at least one fish per tonne green weight caught in each SSRU.

14. Skates shall be tagged at a rate of at least one skate per five skates caught, up to a maximum of 500 skates per vessel.

Data: Catch/Effort

15. For the purpose of implementing this conservation measure in the 2008/09 season, the following shall apply:

(i) The Five-day Catch and Effort Reporting System set out in Conservation Measure 23–01;

(ii) The Monthly Fine-scale Catch and Effort Reporting System set out in Conservation Measure 23–04. Fine-scale data shall be submitted on a haul-by-haul basis.

16. For the purpose of Conservation Measures 23–01 and 23–04, the target species is *Dissostichus* spp. and by-catch species are defined as any species other than *Dissostichus* spp.

Data: Biological

17. Fine-scale biological data, as required under Conservation Measure 23–05, shall be collected and recorded. Such data shall be reported in accordance with the CCAMLR Scheme of International Scientific Observation.

Environmental protection 18. Conservation Measure 26–01 applies.

19. Conservation Measures 22–06 and 22–07 apply.

Additional elements 20. Fishing for *Dissostichus* spp. in Statistical Subarea 88.1 shall be prohibited within 10 n miles of the coast of the Balleny Islands.

Conservation Measure 41–10 (2008)

Limits on the exploratory fishery for *Dissostichus* spp. in Statistical Subarea 88.2 in the 2008/09 season (Species: toothfish; Area: 88.2; Season: 2008/09; Gear: longline)

The Commission hereby adopts the following conservation measure in accordance with Conservation Measure 21–02:

Access 1. Fishing for *Dissostichus* spp. in Statistical Subarea 88.2 shall be limited to the exploratory longline fishery by Argentina, Chile, Republic of Korea, New Zealand, Russia, South Africa, Spain, UK and Uruguay. The fishery shall be conducted by a maximum in the season of two (2) Argentine, one (1) Chilean, two (2) Korean, four (4) New Zealand, three (3) Russian, one (1) South African, one (1) Spanish, three (3) UK and two (2) Uruguayan flagged vessels using longlines only.

2. Fishing is prohibited in depths shallower than 550 m in order to protect benthic communities.

Catch limit 3. The total catch of *Dissostichus* spp. in Statistical Subarea 88.2 south of 65° S in the 2008/09 season shall not exceed a precautionary catch limit of 567 applied as follows:

SSRU A—0 tonnes
SSRU B—0 tonnes
SSRUs C, D, F and G—214 tonnes total
SSRU E—353 tonnes.

Season 4. For the purpose of the exploratory longline fishery for *Dissostichus* spp. in Statistical Subarea 88.2, the 2008/09 season is defined as the period from 1 December 2008 to 31 August 2009.

5. The exploratory longline fishery for *Dissostichus* spp. in Statistical Subarea 88.2 shall be carried out in accordance with the provisions of Conservation Measure 41–01, except paragraph 6.

By-catch 6. The total by-catch in Statistical Subarea 88.2 in the 2008/09 season shall not exceed a precautionary catch limit of 50 tonnes of skates and rays, and 90 tonnes of *Macrourus* spp. Within these total by-catch limits, individual limits will apply as follows:

SSRU A—0 tonnes of any species
SSRU B—0 tonnes of any species
SSRUs C, D, F, G—50 tonnes of skates and rays, 34 tonnes of *Macrourus* spp., 80 tonnes of other species
SSRU E—50 tonnes of skates and rays, 56 tonnes of *Macrourus* spp., 20 tonnes of other species.

The by-catch in this fishery shall be regulated as set out in Conservation Measure 33–03.

Mitigation 7. The exploratory longline fishery for *Dissostichus* spp. in Statistical Subarea 88.2 shall be carried out in accordance with the provisions of Conservation Measure 25–02, except paragraph 5 (night setting), which shall not apply as long as the requirements of Conservation Measure 24–02 are met.

8. Any vessel catching a total of three (3) seabirds shall immediately revert to night setting in accordance with Conservation Measure 25–02.

Observers 9. Each vessel participating in the fishery shall have at least two scientific observers, one of whom shall be an observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.

VMS 10. Each vessel participating in this exploratory longline fishery shall be required to operate a VMS at all times, in accordance with Conservation Measure 10–04.

CDS 11. Each vessel participating in this exploratory longline fishery shall be required to participate in the Catch Documentation Scheme for Dissostichus spp., in accordance with Conservation Measure 10–05.

Research 12. Each vessel participating in this exploratory fishery shall conduct fishery-based research in accordance with the Research Plan and Tagging Program described in Conservation Measure 41–01, Annex B and Annex C respectively. The setting of research hauls (Conservation Measure 41–01, Annex B, paragraphs 3 and 4) is not required.

13. Toothfish shall be tagged at a rate of at least one fish per tonne green weight caught in each SSRU.

14. Skates shall be tagged at a rate of at least one skate per five skates caught, up to a maximum of 500 skates per vessel.

Data: Catch/Effort

15. For the purpose of implementing this conservation measure in the 2008/09 season, the following shall apply:

(i) The Five-day Catch and Effort Reporting System set out in Conservation Measure 23–01;

(ii) The Monthly Fine-scale Catch and Effort Reporting System set out in Conservation Measure 23–04. Fine-scale data shall be submitted on a haul-by-haul basis.

16. For the purpose of Conservation Measures 23–01 and 23–04, the target species is *Dissostichus* spp. and by-catch species are defined as any species other than *Dissostichus* spp.

Data: Biological

17. Fine-scale biological data, as required under Conservation Measure 23–05, shall be collected and recorded. Such data shall be reported in accordance with the CCAMLR Scheme of International Scientific Observation.

Environmental protection 18. Conservation Measure 26–01 applies.

19. Conservation Measures 22–06 and 22–07 apply.

Conservation Measure 41–11 (2008)

Limits on the exploratory fishery for *Dissostichus* spp. in Statistical Division 58.4.1 in the 2008/09 season (Species: toothfish; Area: 58.4.1; Season: 2008/09; Gear: longline)

The Commission hereby adopts the following conservation measure in accordance with Conservation Measure 21–02, and notes that this measure would be for one year and that data arising from these activities would be reviewed by the Scientific Committee:

Access 1. Fishing for *Dissostichus* spp. in Statistical Division 58.4.1 shall be limited to the exploratory longline fishery by Japan, Republic of Korea, New Zealand, South Africa, Spain and Uruguay. The fishery shall be conducted by one (1) Japanese, five (5) Korean, four (4) New Zealand, one (1) South African, one (1) Spanish and one (1) Uruguayan flagged vessels using longlines only.

2. Fishing is prohibited in depths shallower than 550 m in order to protect benthic communities.

Catch limit 3. The total catch of *Dissostichus* spp. in Statistical Division 58.4.1 in the 2008/09 season shall not exceed a precautionary catch limit of 210 tonnes applied as follows:

SSRU A—0 tonnes
SSRU B—0 tonnes
SSRU C—100 tonnes
SSRU D—0 tonnes
SSRU E—50 tonnes
SSRU F—0 tonnes
SSRU G—60 tonnes

SSRU H—0 tonnes.

Season 4. For the purpose of the exploratory longline fishery for *Dissostichus* spp. in Statistical Division 58.4.1, the 2008/09 season is defined as the period from 1 December 2008 to 30 November 2009.

Fishing operations 5. The exploratory longline fishery for *Dissostichus* spp. in Statistical Division 58.4.1 shall be carried out in accordance with the provisions of Conservation Measure 41–01, except paragraph 6.

By-catch 6. The by-catch in this fishery shall be regulated as set out in Conservation Measure 33–03.

Mitigation 7. The exploratory longline fishery for *Dissostichus* spp. in Statistical Division 58.4.1 shall be carried out in accordance with the provisions of Conservation Measure 25–02, except paragraph 5 (night setting) shall not apply, providing that vessels comply with Conservation Measure 24–02.

8. Any vessel catching a total of three (3) seabirds shall immediately revert to night setting in accordance with Conservation Measure 25–02.

Observers 9. Each vessel participating in the fishery shall have at least two scientific observers, one of whom shall be an observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.

Research 10. Each vessel participating in this exploratory fishery shall conduct fishery-based research in accordance with the Research Plan and Tagging Program described in Conservation Measure 41–01, Annex B and Annex C respectively.

11. Toothfish shall be tagged at a rate of at least three fish per tonne green weight caught.

Data: Catch/Effort

12. For the purpose of implementing this conservation measure in the 2008/09 season, the following shall apply:

(i) The Five-day Catch and Effort Reporting System set out in Conservation Measure 23–01;

(ii) The Monthly Fine-scale Catch and Effort Reporting System set out in Conservation Measure 23–04. Fine-scale data shall be submitted on a haul-by-haul basis.

13. For the purpose of Conservation Measures 23–01 and 23–04, the target species is *Dissostichus* spp. and by-catch species are defined as any species other than *Dissostichus* spp.

Data: Biological

14. Fine-scale biological data, as required under Conservation Measure 23–05, shall be collected and recorded. Such data shall be reported in accordance with the CCAMLR Scheme of International Scientific Observation.

Environmental protection 15. Conservation Measure 26–01 applies.

16. There shall be no offal discharge in this fishery.

17. Conservation Measures 22–06 and 22–07 apply.

Conservation Measure 42–01 (2008)

Limits on the fishery for *Champsocephalus gunnari* in Statistical Subarea 48.3 in the 2008/09 season

(Species: icefish; Area: 48.3; Season: 2008/09; Gear: trawl)

The Commission hereby adopts the following conservation measure in accordance with Conservation Measure 31–01:

Access 1. The fishery for *Champsocephalus gunnari* in Statistical Subarea 48.3 shall be conducted by vessels using trawls only. The use of bottom trawls in the directed fishery for *Champsocephalus gunnari* in Statistical Subarea 48.3 is prohibited.

2. Fishing for *Champsocephalus gunnari* shall be prohibited within 12 n miles of the coast of South Georgia during the period 1 March to 31 May.

Catch limit 3. The total catch of *Champsocephalus gunnari* in Statistical Subarea 48.3 in the 2008/09 season shall be limited to 3 834 tonnes.

4. Where any haul contains more than 100 kg of *Champsocephalus gunnari*, and more than 10% of the *Champsocephalus gunnari* by number are smaller than 240 mm total length, the fishing vessel shall move to another fishing location at least 5 n miles distant.[1] The fishing vessel shall not return to any point within 5 n miles of the location where the catch of small *Champsocephalus gunnari* exceeded 10%, for a period of at least five days[2]. The location where the catch of small *Champsocephalus gunnari* exceeded 10% is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

Season 5. For the purpose of the trawl fishery for *Champsocephalus gunnari* in Statistical Subarea 48.3, the 2008/09 season is defined as the period from 15 November 2008 to 14 November 2009, or until the catch limit is reached, whichever is sooner.

By-catch 6. The by-catch in this fishery shall be regulated as set out in Conservation Measure 33–01. If, in the course of the directed fishery for *Champsocephalus gunnari*, the by-catch in any one haul of any of the species named in Conservation Measure 33–01 is greater than 100 kg and exceeds 5% of the total catch of all fish by weight, or is equal to or greater than 2 tonnes, then the fishing vessel shall move to another location at least 5 n miles distant.[1] The fishing vessel shall not return to any point within 5 n miles of the location where the by-catch of species named in Conservation Measure 33–01 exceeded 5% for a period of at least five days.[2] The location where the by-catch exceeded 5% is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

Mitigation 7. The operation of this fishery shall be carried out in accordance with Conservation Measure 25–03 so as to minimise the incidental mortality of seabirds in the course of the fishery. Vessels shall use net binding[3] and consider adding weight to the codend to reduce seabird captures during shooting operations.

8. Should any vessel catch a total of 20 seabirds, it shall cease fishing and shall be excluded from further participation in the fishery in the 2008/09 season.

Observers 9. Each vessel participating in this fishery shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, and where possible one additional scientific observer, on board throughout all fishing activities within the fishing period.

Data: Catch/Effort 10. For the purpose of implementing this conservation measure in the 2008/09 season, the following shall apply:

(i) The Five-day Catch and Effort Reporting System set out in Conservation Measure 23–01;

(ii) the Monthly Fine-Scale Catch and Effort Reporting System set out in Conservation Measure 23–04. Fine-scale data shall be submitted on a haul-by-haul basis.

11. For the purpose of Conservation Measures 23–01 and 23–04, the target species is *Champsocephalus gunnari* and by-catch species are defined as any species other than *Champsocephalus gunnari*.

Data: Biological 12. Fine-scale biological data, as required under Conservation Measure 23–05, shall be collected and recorded. Such data shall be reported in accordance with the CCAMLR Scheme of International Scientific Observation.

Environmental protection 13. Conservation Measure 26–01 applies.

[1] This provision concerning the minimum distance separating fishing locations is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

[2] The specified period is adopted in accordance with the reporting period specified in Conservation Measure 23–01, pending the adoption of a more appropriate period by the Commission.

[3] See SC–CAMLR–XXV, Annex 5, Appendix D, paragraph 59 for guidelines for net binding.

Conservation Measure 42–02 (2008)

Limits on the fishery for *Champsocephalus gunnari* in Statistical Division 58.5.2 in the 2008/09 season

(Species: icefish; Area: 58.5.2; Season: 2008/09; Gear: trawl)

Access 1. The fishery for Champsocephalus gunnari in Statistical Division 58.5.2 shall be conducted by vessels using trawls only.

2. For the purpose of this fishery for *Champsocephalus gunnari,* the area open to the fishery is defined as that portion of Statistical Division 58.5.2 that lies within the area enclosed by a line:

(i) Starting at the point where the meridian of longitude 72°15′E intersects the Australia-France Maritime Delimitation Agreement Boundary then south along the meridian to its intersection with the parallel of latitude 53°25′S;

(ii) Then east along that parallel to its intersection with the meridian of longitude 74° E;

(iii) Then northeasterly along the geodesic to the intersection of the parallel of latitude 52°40′S and the meridian of longitude 76° E;

(iv) Then north along the meridian to its intersection with the parallel of latitude 52° S;

(v) Then northwesterly along the geodesic to the intersection of the parallel of latitude 51° S with the meridian of longitude 74°30′E;

(vi) Then southwesterly along the geodesic to the point of commencement.

3. A chart illustrating the above definition is appended to this conservation measure (Annex 42–02/A). Areas in Statistical Division 58.5.2 outside that defined above shall be closed to directed fishing for *Champsocephalus gunnari.*

Catch limit 4. The total catch of *Champsocephalus gunnari* in Statistical Division 58.5.2 in the 2008/09 season shall be limited to 102 tonnes.

5. Where any haul contains more than 100 kg of *Champsocephalus gunnari,* and more than 10% of the *Champsocephalus gunnari* by number are smaller than the specified minimum legal total length, the fishing vessel shall move to another fishing location at least 5 n miles distant [1]. The fishing vessel shall not return to any point within 5 n miles of the location where the catch of small Champsocephalus gunnari exceeded 10% for a period of at least five days.[2] The location where the catch of small *Champsocephalus gunnari* exceeded 10% is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel. The minimum legal total length shall be 240 mm.

Season 6. For the purpose of the trawl fishery for *Champsocephalus gunnari* in Statistical Division 58.5.2, the 2008/09 season is defined as the period from 1 December 2008 to 30 November 2009, or until the catch limit is reached, whichever is sooner.

By-catch 7. Fishing shall cease if the by-catch of any species reaches its by-catch limit as set out in Conservation Measure 33–02.

Mitigation 8. The operation of this fishery shall be carried out in accordance with Conservation Measure 25–03 so as to minimise the incidental mortality of seabirds in the course of fishing.

Observers 9. Each vessel participating in this fishery shall have at least one scientific observer, and may include one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.

Data: Catch/Effort 10. For the purpose of implementing this conservation measure in the 2008/09 season, the following shall apply:

(i) The Ten-day Catch and Effort Reporting System set out in Annex 42–02/B;

(ii) The Monthly Fine-scale Catch and Effort Reporting System set out in Annex 42–02/B. Fine-scale data shall be submitted on a haul-by-haul basis.

11. For the purpose of Annex 42–02/B, the target species is *Champsocephalus gunnari* and by-catch species are defined as any species other than *Champsocephalus gunnari.*

Data: Biological 12. Fine-scale biological data, as required under Annex 42–02/B, shall be collected and recorded. Such data shall be reported in accordance with the CCAMLR Scheme of International Scientific Observation.

Environmental protection 13. Conservation Measure 26–01 applies.

[1] This provision concerning the minimum distance separating fishing locations is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

[2] The specified period is adopted in accordance with the reporting period specified in Conservation Measure 23–01, pending the adoption of a more appropriate period by the Commission.

Annexes 42–02/A and 42–02/B are unchanged

Conservation Measure 51–01 (2008)

Precautionary catch limitations on *Euphausia superba* in Statistical Subareas 48.1, 48.2, 48.3, and 48.4

(Species: krill; Area: 48.1. 48.2, 48.3, 48.4; Season: all; Gear: all)

The Commission,

Noting that it has agreed (CCAMLR–XIX, paragraph 10.11) that the krill catches in Statistical Subareas 48.1, 48.2, 48.3 and 48.4 shall not exceed a set level, defined herein as a trigger level, until a procedure for division of the overall catch limit into smaller management units has been established, and that the Scientific Committee has been directed to provide advice on such a subdivision,

Recognising that the Scientific Committee agreed a trigger level of 620 000 tonnes, adopts the following measure in accordance with Article IX of its Convention:

Access 1. The fishery for *Euphausia superba* in Statistical Subareas 48.1, 48.2, 48.3 and 48.4 shall be conducted by vessels using fishing methods listed in Conservation Measure 21–03, Annex A only.

Catch limit 2. The total combined catch of *Euphausia superba* in Statistical Subareas 48.1, 48.2, 48.3 and 48.4 shall be limited to 3.47 million tonnes in any fishing season.

Trigger level 3. Until the Commission has defined an allocation of this total catch limit between smaller management units,[1] based on the advice from the Scientific Committee, the total combined catch in Statistical Subareas 48.1, 48.2, 48.3 and 48.4 shall be further limited to 620 000 tonnes in any fishing season.

4. This measure shall be kept under review by the Commission, taking into account the advice of the Scientific Committee.

Season 5. A fishing season begins on 1 December and finishes on 30 November of the following year.

Mitigation 6. The operation of this fishery shall be carried out in accordance with Conservation Measure 25–03 so as to minimise the incidental mortality of seabirds in the course of fishing.

7. The use of marine mammal exclusion devices on trawls is mandatory.

Data 8. For the purpose of implementing this conservation measure, the data requirements set out in Conservation Measure 23–06 shall apply.

Environmental protection 9. Conservation Measure 26–01 applies.

[1] Defined in CCAMLR–XXI, paragraph 4.5.

Conservation Measure 51–02 (2008)

Precautionary catch limitation on *Euphausia superba* in Statistical Division 58.4.1
(Species: krill; Area: 58.4.1; Season: all; Gear: trawl)

Access 1. The fishery for *Euphausia superba* in Statistical Division 58.4.1 shall be conducted by vessels using fishing methods listed in Conservation Measure 21–03, Annex A only.

Catch limit 2. The total catch of *Euphausia superba* in Statistical Division 58.4.1 shall be limited to 440 000 tonnes in any fishing season.

3. The total catch shall be further subdivided into two subdivisions within Statistical Division 58.4.1 as follows: west of 115° E, 277 000 tonnes; and east of 115° E, 163 000 tonnes.

4. This measure shall be kept under review by the Commission, taking into account the advice of the Scientific Committee.

Season 5. A fishing season begins on 1 December and finishes on 30 November the following year.

Mitigation 6. The operation of this fishery shall be carried out in accordance with Conservation Measure 25–03 so as to minimise the incidental mortality of seabirds in the course of fishing.

7. The use of marine mammal exclusion devices on trawls is mandatory.

Data 8. For the purposes of implementing this conservation measure, the data requirements set out in Conservation Measure 23–06 shall apply.

Environmental protection 9. Conservation Measure 26–01 applies.

Conservation Measure 51–03 (2008)

Precautionary catch limitation on *Euphausia superba* in Statistical Division 58.4.2
(Species: krill; Area: 58.4.2; Season: all; Gear: trawl)

Access 1. The fishery for *Euphausia superba* in Statistical Division 58.4.2 shall be conducted by vessels using fishing methods listed in Conservation Measure 21–03, Annex A only.

Catch limit 2. The total catch of *Euphausia superba* in Statistical Division 58.4.2 shall be limited to 2.645 million tonnes in any fishing season.

3. The total catch limit shall be further subdivided into two subdivisions within Statistical Division 58.4.2 as follows: west of 55° E, 1.448 million tonnes; and east of 55° E, 1.080 million tonnes.

Trigger level [1] 4. Until the Commission has defined an allocation of this total catch limit between smaller management units, as the Scientific Committee may advise, the total catch in Division 58.4.2 shall be limited to 260 000 tonnes west of 55° E and 192 000 tonnes east of 55° E in any fishing season.

5. This measure shall be kept under review by the Commission, taking into account the advice of the Scientific Committee.

Season 6. A fishing season begins on 1 December and finishes on 30 November of the following year.

Mitigation 7. The operation of this fishery shall be carried out in accordance with Conservation Measure 25–03 so as to minimise the incidental mortality of seabirds in the course of fishing.

8. The use of marine mammal exclusion devices on trawls is mandatory.

Observers 9. Each vessel participating in the fishery shall have at least one scientific observer in accordance with the CCAMLR Scheme of International Scientific Observation or a domestic scientific observer fulfilling the requests in the scheme, and where possible one additional scientific observer, on board throughout all fishing activities within the fishing period.[2]

Data 10. For the purposes of implementing this conservation measure, the data requirements set out in Conservation Measure 23–06 shall apply.

Environmental protection 11. Conservation Measure 26–01 applies.

[1] A trigger level is a set level that the catch shall not exceed until a procedure for the division of the overall catch limit into smaller management units, upon which the Scientific Committee has been directed to provide advice, has been established.

[2] Bearing in mind the limited ecological information from research and fisheries observers in Statistical Division 58.4.2 compared to Statistical Area 48, the Commission recognised the need to collect scientific data from the fishery. This paragraph applies only to the krill fishery in Statistical Division 58.4.2 and shall be revised depending on the advice of the Scientific Committee on a systematic scheme for scientific observation in the krill fishery or reviewed within three years, whichever comes earlier.

Conservation Measure 51–04 (2008)

General measure for exploratory fisheries for *Euphausia superba* in the Convention Area in the 2008/09 season
(Species: krill; Area: various; Season: 2008/09; Gear: various)

The Commission hereby adopts the following conservation measure:

1. This conservation measure applies to exploratory fisheries for Antarctic krill (*Euphausia superba*) except for such fisheries where the Commission has given specific exemptions, and only to the extent of those exemptions.

2. Fishing in any statistical subarea or division shall cease when the reported catch reaches the specified catch limit [1] and that subarea or division shall be closed to fishing for the remainder of the season. No more than 75% of the catch limit shall be taken within 60 n miles of known breeding colonies of land-based krill-dependent predators.

3. In order to give effect to paragraph 2 above:

(i) The precise geographic position of a trawl haul will be determined by the midpoint of the path between the start point and end point of the haul for the purposes of catch and effort reporting;

(ii) For the purposes of this conservation measure, fishing is defined as any time that fishing gear, conventional trawls, pumped codends, and continuous pumping gear are in the water;

(iii) The Secretariat shall notify Contracting Parties participating in these fisheries when the total catch of *Euphausia superba* combined in any statistical subarea or division is likely to reach the specified catch limit, and of the closure of that subarea or division when that limit is reached.[2] No part of a trawl path may lie within a closed subarea or division.

4. The total green weight of krill caught and lost shall be reported.

5. Each vessel participating in the exploratory fisheries for krill during the 2008/09 season shall have one observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, and where possible one additional scientific observer, on board throughout all fishing activities within the fishing season.

6. The Data Collection Plan (Annex 51–04/A) and Research Plan (Annex 51–04/B) shall be implemented. Data collected pursuant to the Data Collection and Research Plans for the period up to 1 May 2009 shall be reported to CCAMLR by 1 June 2009 so that the data will be available to the meeting of the Working Group on

Ecosystem Monitoring and Management (WG–EMM) in 2009. Such data taken after 1 June 2009 shall be reported to CCAMLR not later than three months after the closure of the fishery, but, where possible, submitted in time for the consideration of the Scientific Committee.

7. Contracting Parties who choose not to participate in the fishery prior to the commencement of the fishery shall inform CCAMLR of changes in their plans no later than one month before the start of the fishery. If, for whatever reason, Contracting Parties are unable to participate in the fishery, they shall inform CCAMLR no later than one week after finding that they cannot participate. The Secretariat will inform all Contracting Parties immediately after such notification is received.

[1] Unless otherwise specified, the catch limit for krill shall be 15 000 tonnes in any statistical subarea or division.

[2] The closure of fisheries is governed by Conservation Measure 31–02.

Annex 51–04/A

Data Collection Plans for Exploratory Krill Fisheries

1. During normal fishing operations, all vessels will comply with the Ten-day Catch and Effort Reporting System (Conservation Measure 23–02) and the Monthly Fine-scale Catch, Effort and Biological Data Reporting Systems (Conservation Measures 23–04 and 23–05), including requirements for the provision of haul-by-haul data.

2. During normal fishing operations, all data required by the CCAMLR *Scientific Observers Manual* for krill fisheries will be collected.

3. Detailed information on the configuration of every commercial trawl used during normal fishing operations and every research net used during required research operations will be reported to CCAMLR no later than one month after the conclusion of each fishing trip.

4. Data collected from research net hauls shall include:

(i) The start and end positions and times of the haul;

(ii) The date on which the haul was conducted;

(iii) Characteristics of the haul such as tow speed, the maximum amount of wire payed out during a tow, the average wire angle during the tow, and calibrated flow-meter values that can be used to provide accurate measures of volume filtered;

(iv) An estimate of the total catch (in numbers or weight) of krill; and

(v) A random sample of up to 200 krill or the entire catch, whichever is less, to be taken from the haul by the observer—the length, sex and maturity stage should be measured and recorded for all krill according to protocols in the CCAMLR *Scientific Observers Manual*.

5. At a minimum, data collected from acoustic transects shall:

(i) As far as possible, be recorded following protocols specified for the CCAMLR–2000 Survey;

(ii) Be linked to position data recorded from a GPS;

(iii) Be continuously recorded and then electronically archived every five days or whenever the vessel moves between exploratory units, which ever occurs most frequently.

6. Data collected during research operations conducted by fishing vessels shall be reported to CCAMLR no later than one month after the conclusion of each fishing trip.

7. Data collected by Contracting Parties conducting fishery-independent research operations shall, as applicable, be submitted to CCAMLR following guidelines for the submission of CEMP data and data collected during the CCAMLR–2000 Survey. These data shall be submitted in sufficient time to be considered by the next meeting of WG–EMM.

Annex 51–04/B

Research Plans for Exploratory Krill Fisheries

1. Activities under this Research Plan shall not be exempted from any conservation measure in force.

2. This plan applies to all statistical subarea or divisions.

3. A schematic representation of the plans described herein is provided in Figure 1.

4. Contracting Parties intending to conduct exploratory krill fisheries shall choose one of the following four Research and Data Collection Plans and advise CCAMLR of their choice at least one month prior to initiating any fishing activities.

(i) Predator monitoring

(ii) A research survey conducted from a scientific vessel

(iii) Acoustic transects by fishing vessels, or

(iv) Research trawls by fishing vessels.

5. In cases where Contracting Parties select plan (i), predator monitoring, from the list in paragraph 4 above, those Parties shall, as far as possible, follow CEMP Standard Methods. Monitoring shall be conducted for a period of time sufficient both to cover the entire breeding period of land-based predators and to cover the duration of any exploratory fishing that occurs during their breeding season.

6. In cases where Contracting Parties select plan (ii), research survey conducted from a scientific vessel, from the list in paragraph 4 above, Contracting Parties shall, as far as possible, follow all data collection and analysis protocols specified for the CCAMLR–2000 Survey.

7. In cases where Contracting Parties select plans (iii) acoustic transects by fishing vessels, or (iv) research trawls by fishing vessels, from the list in paragraph 4 above, vessels participating in exploratory krill fisheries shall first conduct normal exploratory fishing operations and then conduct additional research requirements. Vessels will conduct normal fishing operations until they voluntarily decide to stop fishing for the season or until the catch limit for the exploratory fishery is reached. Vessels will then complete all required research operations. The research requirements must be completed within a fishing season.

8. For the purposes of this conservation measure, exploratory units are defined as areas of 1° latitude by 1° longitude size, and the vertices of these units shall occur at integer points of latitude and longitude within statistical subarea or divisions.

9. During normal exploratory fishing operations, vessels can choose to fish in any exploratory unit, however one set of acoustic transects or one set of research hauls must be conducted in each exploratory unit visited during normal fishing operations.

10. Plans (iii) acoustic transects by fishing vessels, and (iv) research trawls by fishing vessels, from the list in paragraph 4 above shall be conducted as follows:

(i) Upon completion (either voluntarily or if the catch limit has been reached) of normal exploratory fishing operations, the vessel will transit to the nearest previously unvisited exploratory unit and begin research operations;

(ii) The vessel will determine how many previously unvisited exploratory units must be surveyed during research operations by dividing the catch obtained during normal exploratory fishing operations by 2,000 tonnes and rounding that number to the nearest integer;

(iii) The vessel will then select a number of exploratory units equal to the number of units determined by the calculation in item (ii) above and conduct one set of acoustic transects or one set of research hauls in each of these units;

(iv) Exploratory units visited during research operations must not have been visited during normal exploratory fishing operations;

(v) The survey will be conducted in a way that ensures the exploratory units visited during research operations will surround the units in which normal exploratory fishing operations previously occurred.

11. Research hauls shall be conducted with nekton trawls commonly used in scientific research (*e.g.,* IKMT or RMT type nets) that have 4–5 mm mesh, including the codend. Every research haul shall be a randomly located, oblique haul made to a depth of 200 m or 25 m above the bottom (whichever is less) with a duration of 0.5 h. A set of research hauls is defined as three research hauls separated by a minimum of 10 n miles.

12. Acoustic transects shall be conducted using a scientific-quality echosounder collecting information at 120 kHz. The echosounder should be calibrated. Every acoustic transect shall be a randomly located, continuous path travelled at constant speed of 10 knots or less and in a constant direction. The minimum distance between the start and end points of a transect shall be 30 n miles, and a set of acoustic transects is defined as two transects separated by at least 10 n miles.

13. All acoustic transects, both during normal exploratory fishing operations and research operations, shall be accompanied by at least one net haul. These hauls can be conducted either with commercial trawls or with research trawls. Trawls that accompany acoustic transects can be conducted during the transect or immediately after the completion of the transect. In the latter case, the trawl shall be conducted along a previous segment of the transect line. Trawls that accompany acoustic transects shall be at least 0.5 h in duration, or sufficient time to achieve a representative sample, and the data collected from these hauls shall be the same as those required for research hauls.

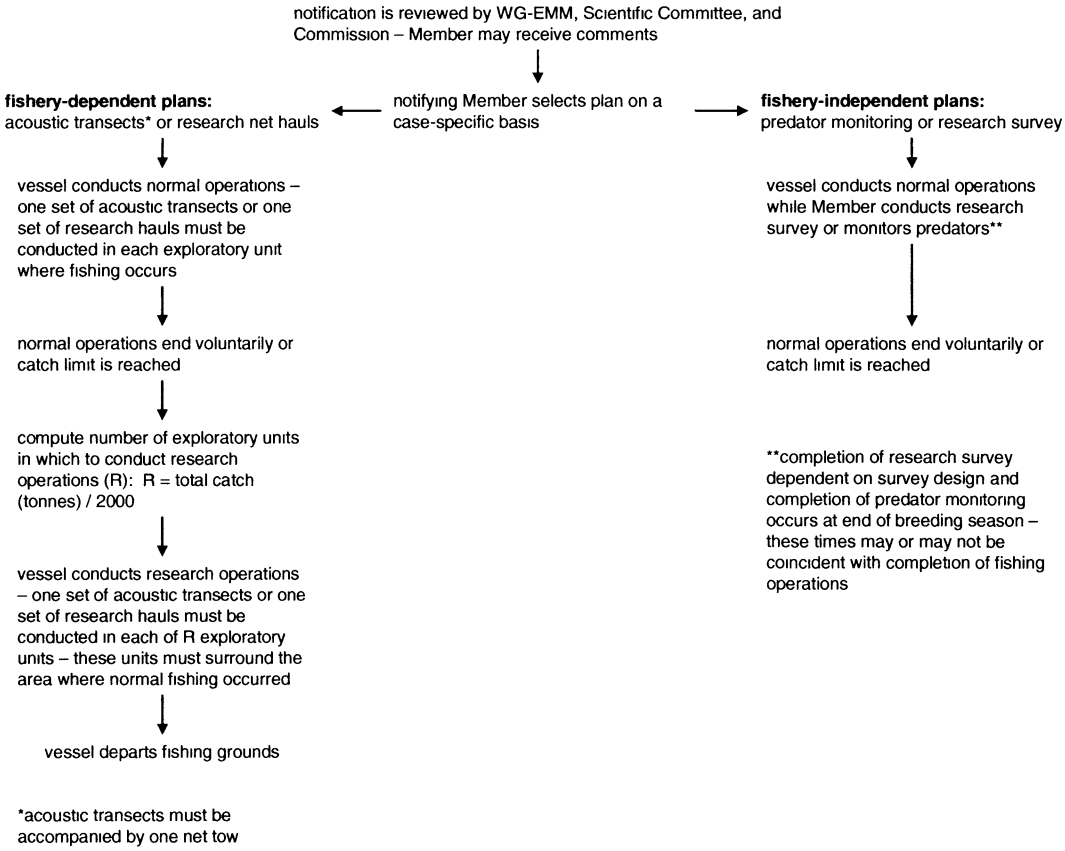


Figure 1: Schematic description of main operations to be conducted during the planning and prosecution of exploratory krill fisheries.

Conservation Measure 51–05 (2008)

Limits on the exploratory fishery for *Euphausia superba* in Statistical Subarea 48.6 in the 2008/09 season

(Species: krill; Area: 48.6; Season: 2008/09; Gear: trawl)

The Commission hereby adopts the following conservation measure in accordance with Conservation Measure 21–02, and notes that this measure would be for one year and that data arising from these activities would be reviewed by the Scientific Committee:

Access 1. Fishing for *Euphausia superba* in Statistical Subarea 48.6 shall be limited to the exploratory trawl fishery by Norway. The fishery shall be conducted by one (1) Norwegian flagged

vessel using one of the fishing techniques in Annex 21–03/A.

Catch limit 2. The total catch of *Euphausia superba* in Statistical Subarea 48.6 in the 2008/09 season shall not exceed a precautionary catch limit of 15 000 tonnes, of which no more than 11 250 tonnes shall be taken from areas within 60 n miles of known breeding colonies of land-based krill-dependent predators.

Season 3. For the purpose of the exploratory fishery for *Euphausia superba* in Statistical Subarea 48.6, the 2008/09 season is defined as the period from 1 December 2008 to 30 November 2009.

Mitigation 4. The exploratory fishery for *Euphausia superba* in Statistical Subarea 48.6 shall be carried out in accordance with the provisions of Conservation Measure 25–03 so as to minimise the incidental mortality of seabirds in the course of fishing.

5. The use of marine mammal exclusion devices on trawls is mandatory.

Observers 6. The vessel participating in the fishery shall have one observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, and where possible an additional observer, on board throughout all fishing activities within the fishing period.

Data: Catch/Effort 7. For the purpose of implementing this conservation measure in the 2008/09 season, the following shall apply:

(i) The Ten-day Catch and Effort Reporting System set out in Conservation Measure 23–02;

(ii) The Monthly Fine-scale Catch and Effort Reporting System set out in Conservation Measure 23–04. Fine-scale data shall be submitted on a haul-by-haul basis.

8. For the purpose of Conservation Measures 23–01 and 23–04, the target species is *Euphausia superba* and by-catch species are defined as any species other than *Euphausia superba*.

Data: Biological 9. Fine-scale biological data, as required under Conservation Measure 23–05, shall be collected and recorded. Such data shall be reported in accordance with the CCAMLR Scheme of International Scientific Observation.

Research 10. Each vessel participating in this exploratory fishery shall conduct fishery-based research in accordance with the Research Plan described in Conservation Measure 51–04.

Environmental protection 11. Conservation Measure 26–01 applies.

12. There shall be no offal discharge in this fishery.

Conservation Measure 52–01 (2008)

Limits on the fishery for crab in Statistical Subarea 48.3 in the 2008/09 season

(Species: crab; Area: 48.3; Season: 2008/09; Gear: pot)

The Commission hereby adopts the following conservation measure in accordance with Conservation Measure 31–01:

Access 1. The fishery for crab in Statistical Subarea 48.3 shall be conducted by vessels using pots only. The crab fishery is defined as any commercial harvest activity in which the target species is any member of the crab group (Order Decapoda, Suborder Reptantia).

2. The crab fishery shall be limited to one vessel per Member.

3. Each Member intending to participate in the crab fishery shall notify the CCAMLR Secretariat at least three months in advance of starting fishing of the name, type, size, registration number, radio call sign, and Research and Fishery Operation Plans of the vessel that the Member has authorised to participate in the crab fishery.

Catch limit 4. The total catch of crab in Statistical Subarea 48.3 in the 2008/09 season shall not exceed a precautionary catch limit of 1 600 tonnes.

5. The crab fishery shall be limited to sexually mature male crabs—all female and undersized male crabs caught shall be released unharmed. In the case of *Paralomis spinosissima* and *Paralomis formosa*, males with a minimum carapace width of 94 and 90 mm respectively, may be retained in the catch.

Season 6. For the purpose of the pot fishery for crab in Statistical Subarea 48.3, the 2008/09 season is defined as the period from 1 December 2008 to 30 November 2009, or until the catch limit is reached, whichever is sooner.

By-catch 7. The by-catch of *Dissostichus eleginoides* shall be counted against the catch limit in the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3.

Observers 8. Each vessel participating in this fishery shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, and where possible one additional scientific observer, on board throughout all fishing activities within the fishing period. Scientific observers shall be afforded unrestricted access to the catch for statistical random sampling prior to, as well as after, sorting by the crew.

Data: Catch/Effort 9. For the purpose of implementing this conservation measure in the 2008/09 season, the following shall apply:

(i) The Ten-day Catch and Effort Reporting System set out in Conservation Measure 23–02;

(ii) The Monthly Fine-scale Catch and Effort Reporting System set out in Conservation Measure 23–04. Fine-scale data shall be submitted on a haul-by-haul basis.

10. For the purpose of Conservation Measures 23–02 and 23–04 the target species is crab and by-catch species are defined as any species other than crab.

Data: Biological 11. Fine-scale biological data, as required under Conservation Measure 23–05, shall be collected and recorded. Such data shall be reported in accordance with the CCAMLR Scheme of International Scientific Observation.

Research 12. Each vessel participating in this exploratory fishery shall conduct fishery-based research in accordance with the data requirements described in Annex 52–01/A and the experimental harvest regime described in Annex 52–01/B. Data collected for the period up to 31 August 2009 shall be reported to CCAMLR by 30 September 2009 so that the data will be available to the meeting of the Working Group on Fish Stock Assessment (WG–FSA) in 2009. Such data collected after 31 August 2009 shall be reported to CCAMLR not later than three months after the closure of the fishery.

Environmental protection 13. Conservation Measure 26–01 applies.

Annex 52–01/A

Data Requirements

Catch and Effort Data

Cruise Descriptions

Cruise code, vessel code, permit number, year.

Pot Descriptions

Diagrams and other information, including pot shape, dimensions, mesh size, funnel position, aperture and orientation, number of chambers, presence of an escape port.

Effort Descriptions

Date, time, latitude and longitude of the start of the set, compass bearing of the set, total number of pots set, spacing of pots on the line, number of pots lost, depth, soak time, bait type.

Catch Descriptions

Retained catch in numbers and weight, by-catch of all species (see Table 1), incremental record number for linking with sample information.

Table 1: Data requirements for by-catch species in the crab fishery in Statistical Subarea 48.3.

Species	Data requirements
Dissostichus eleginoides	Numbers and estimated total weight
Notothenia rossii	Numbers and estimated total weight
Other species	Estimated total weight

Biological Data

For these data, crabs are to be sampled from the line hauled just prior to noon, by collecting the entire contents of a number of pots spaced at intervals along the line so that between 35 and 50 specimens are represented in the subsample.

Cruise Descriptions

Cruise code, vessel code, permit number.

Sample Descriptions

Date, position at start of the set, compass bearing of the set, line number.

Data

Species, sex, length of at least 35 individuals, presence/absence of rhizocephalan parasites, record of the destination of the crab (kept, discarded, destroyed), record of the pot number from which the crab comes.

Annex 52–01/B

Experimental Harvest Regime

This annex applies to all crab fishing within Statistical Subarea 48.3. Every vessel participating in the crab fishery in Statistical Subarea 48.3 shall conduct fishing operations in accordance with an experimental harvest regime as outlined below:

1. Vessels shall conduct the experimental harvest regime at the start of their first season of participation in the crab fishery and the following conditions shall apply:

(i) Every vessel when undertaking an experimental harvesting regime shall expend its first 200 000 pot hours of effort within a total area delineated by 12 blocks of 0.5° latitude by 1.0° longitude. For the purposes of this conservation measure, these blocks shall be numbered A to L. In Annex 52–01/C, the blocks are illustrated (Figure 1), and the geographic position is denoted by the coordinates of the northeast corner of the block. For each string, pot hours shall be calculated by taking the total number of pots on the string and multiplying that number by the soak time (in hours) for that string. Soak time shall be defined for each string as the time between start of setting and start of hauling;

(ii) Vessels shall not fish outside the area delineated by the 0.5° latitude by 1.0° longitude blocks prior to completing the experimental harvesting regime;

(iii) Vessels shall not expend more than 30 000 pot hours in any single block of 0.5° latitude by 1.0° longitude;

(iv) If a vessel returns to port before it has expended 200 000 pot hours in the experimental harvesting regime, the remaining pot hours shall be expended before it can be considered that the vessel has completed the experimental harvesting regime;

(v) After completing 200 000 pot hours of experimental fishing, it shall be considered that vessels have completed the experimental harvesting regime and they shall be permitted to commence fishing in a normal fashion.

2. Data collected during the experimental harvest regime up to 30 June 2009 shall be submitted to CCAMLR by 31 August 2009.

3. Vessels that complete the experimental harvest regime shall not be required to conduct experimental fishing in future seasons.

4. Fishing vessels shall participate in the experimental harvest regime independently (*i.e.* vessels may not cooperate to complete phases of the experiment).

5. Crabs taken by any vessel for research purposes will be considered as part of any catch limits in force for each species taken, and shall be reported to CCAMLR as part of the annual STATLANT returns.

6. All vessels participating in the experimental harvest regime shall carry at least one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board during all fishing activities.

ANNEX 52-01/C

LOCATIONS OF FISHING AREAS FOR THE EXPERIMENTAL HARVEST REGIME

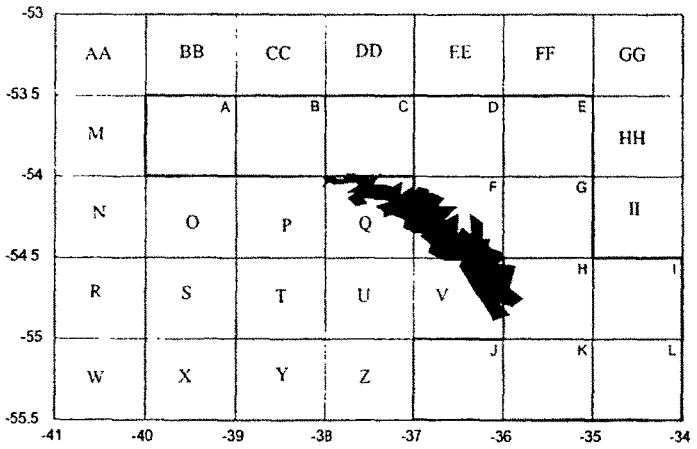


Figure 1: Operational area for Phase 1 of the experimental harvest regime for the fishery for crab in Statistical Subarea 48.3.

Conservation Measure 52–02 (2008)

Limits on the exploratory fishery for crab in Statistical Subarea 48.2 in the 2008/09 season

(Species: Crab; Area: 48.2; Season: 2008/09; Gear: pot)

The Commission hereby adopts the following conservation measure in accordance with Conservation Measure 21–01, and notes that this measure would be for one year and that data arising from these activities would be reviewed by the Scientific Committee:

Access 1. The fishery for crab in Statistical Subarea 48.2 shall be conducted by vessels using pots only. The crab fishery is defined as any harvest activity in which the target species is any member of the crab group (Order Decapoda, Suborder Reptantia). The fishery in the 2008/09 season shall be conducted by one (1) Russian flagged vessel using pots only.

2. The crab fishery shall be limited to one vessel per Member.

Catch limit 3. The total catch of crab in Statistical Subarea 48.2 in the 2008/09 season shall not exceed a precautionary catch limit of 250 tonnes.

4. The crab fishery shall be limited to sexually mature male crabs—all female and undersized male crabs caught shall be released unharmed. In the case of *Paralomis spinosissima* and *Paralomis formosa*, males with a minimum carapace width of 94 and 90 mm respectively, may be retained in the catch.

Season 5. For the purpose of the pot fishery for crab in Statistical Subarea 48.2, the 2008/09 season is defined as the period from 1 December 2008 to 30 November 2009, or until the catch limit is reached, whichever is sooner.

By-catch 6. All by-catch of finfish shall be recorded for length, identified to species and then released to the sea with the least possible handling. Before release, all live specimens of *Dissostichus* spp. shall be measured and tagged. Full biological data shall be taken from all dead finfish by-catch. A total by-catch limit of 0.5 tonnes shall apply for all dead finfish.

Observers 7. Each vessel participating in this fishery shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, and where possible one additional scientific observer, on board throughout all fishing activities within the fishing period. Scientific observers shall be afforded unrestricted access to the catch for statistical random sampling prior to, as well as after, sorting by the crew.

Data: Catch/Effort 8. For the purpose of implementing this conservation measure in the 2008/09 season, the following shall apply:

(i) The Ten-day Catch and Effort Reporting System set out in Conservation Measure 23–02;

(ii) The Monthly Fine-scale Catch and Effort Reporting System set out in Conservation Measure 23–04. Fine-scale data shall be submitted on a haul-by-haul basis.

9. For the purpose of Conservation Measures 23–02 and 23–04 the target species is crab and by-catch species are defined as any species other than crab.

Data: Biological 10. Fine-scale biological data, as required under Conservation Measure 23–05, shall be collected and recorded. Such data shall

be reported in accordance with the CCAMLR Scheme of International Scientific Observation.

Research 11. Each vessel participating in this exploratory fishery shall conduct fishery-based research in accordance with the data requirements described in Annex 52–02/A and the experimental harvest regime described in Annex 52–02/B. Data collected for the period up to 31 August 2009 shall be reported to CCAMLR by 30 September 2009 so that the data will be available to the meeting of the Working Group on Fish Stock Assessment (WG–FSA) in 2009. Such data collected after 31 August 2009 shall be reported to CCAMLR not later than three months after the closure of the fishery.

Environmental protection 12. Conservation Measure 26–01 applies.

13. Conservation Measures 22–06 and 22–07 apply.

Annex 52–02/A

Data Requirements

Catch and Effort Data

Cruise Descriptions

Cruise code, vessel code, permit number, year.

Pot Descriptions

Diagrams and other information, including pot shape, dimensions, mesh size, funnel position, aperture and orientation, number of chambers, presence of an escape port.

Effort Descriptions

Date, time, latitude and longitude of the start of the set, compass bearing of the set, total number of pots set, spacing of pots on the line, number of pots lost, depth, soak time, bait type.

Catch Descriptions

Retained catch in numbers and weight, by-catch of all species (see Table 1), incremental record number for linking with sample information.

Table 1: Data requirements for by-catch species in the crab fishery in Statistical Subarea 48.3.

Species	Data requirements
Dissostichus eleginoides	Numbers and estimated total weight
Notothenia rossii	Numbers and estimated total weight
Other species	Estimated total weight

Biological Data

For these data, crabs are to be sampled from the line hauled just prior to noon, by collecting the entire contents of a number of pots spaced at intervals along the line so that between 35 and 50 specimens are represented in the subsample.

Cruise Descriptions

Cruise code, vessel code, permit number.

Sample Descriptions

Date, position at start of the set, compass bearing of the set, line number.

Data

Species, sex, length of at least 35 individuals, presence/absence of rhizocephalan parasites, record of the destination of the crab (kept, discarded, destroyed), record of the pot number from which the crab comes.

Annex 52–02/B

Experimental Harvest Regime

This annex applies to all crab fishing within Statistical Subarea 48.2. Every vessel participating in the crab fishery in Statistical Subarea 48.2 shall conduct fishing operations in accordance with an experimental harvest regime as outlined below:

1. Vessels shall conduct the experimental harvest regime at the start of their first season of participation in the crab fishery and the following conditions shall apply:

(i) Every vessel when undertaking an experimental harvesting regime shall expend its first 200 000 pot hours of effort within a total area delineated by 12 blocks of 0.5° latitude by 1.0° longitude. For the purposes of this conservation measure, these blocks shall be numbered A to L. In Annex 52–02/C, the blocks are illustrated (Figure 1), and the geographic position is denoted by the coordinates of the northeast corner of the block. For each string, pot hours shall be calculated by taking the total number of pots on the string and multiplying that number by the soak time (in hours) for that string. Soak time shall be defined for each string as the time between start of setting and start of hauling;

(ii) Vessels shall not fish outside the area delineated by the 0.5° latitude by 1.0° longitude blocks prior to completing the experimental harvesting regime;

(iii) Vessels shall not expend more than 30,000 pot hours in any single block of 0.5° latitude by 1.0° longitude;

(iv) If a vessel returns to port before it has expended 200 000 pot hours in the experimental harvesting regime, the remaining pot hours shall be expended before it can be considered that the vessel has completed the experimental harvesting regime;

(v) After completing 200,000 pot hours of experimental fishing, it shall be considered that vessels have completed the experimental harvesting regime and they shall be permitted to commence fishing in a normal fashion.

2. Data collected during the experimental harvest regime up to 30 June 2009 shall be submitted to CCAMLR by 31 August 2009.

3. Vessels that complete the experimental harvest regime shall not be required to conduct experimental fishing in future seasons.

4. Fishing vessels shall participate in the experimental harvest regime independently (*i.e.,* vessels may not cooperate to complete phases of the experiment).

5. Crabs taken by any vessel for research purposes will be considered as part of any catch limits in force for each species taken, and shall be reported to CCAMLR as part of the annual STATLANT returns.

6. All vessels participating in the experimental harvest regime shall carry

at least one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board during all fishing activities.

ANNEX 52-02/C

LOCATIONS OF FISHING AREAS FOR THE EXPERIMENTAL HARVEST REGIME

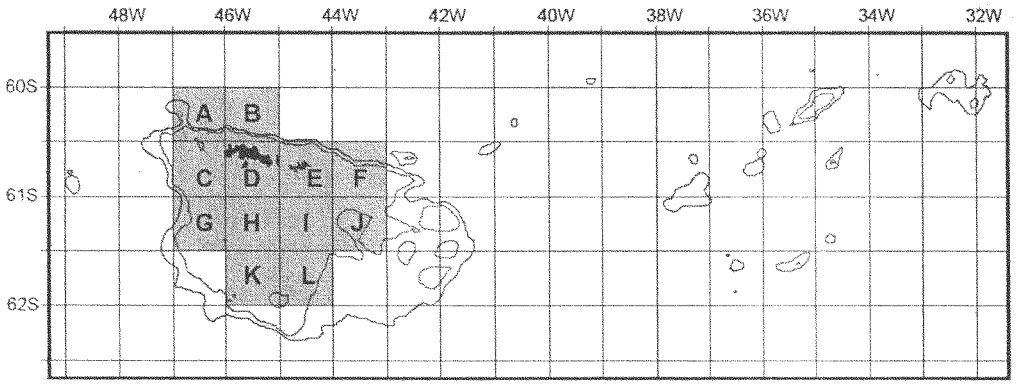


Figure 1: Operational area for Phase 1 of the experimental harvest regime for the exploratory fishery for crab in Statistical Subarea 48.2.

Conservation Measure 52–03 (2008)

Limits on the exploratory fishery for crab in Statistical Subarea 48.4 in the 2008/09 season

(Species: crab; Area: 48.4; Season: 2008/09; Gear: pot)

The Commission hereby adopts the following conservation measure in accordance with Conservation Measure 21–01, and notes that this measure would be for one year and that data arising from these activities would be reviewed by the Scientific Committee:

Access 1. The fishery for crab in Statistical Subarea 48.4 shall be conducted by vessels using pots only. The crab fishery is defined as any harvest activity in which the target species is any member of the crab group (Order Decapoda, Suborder Reptantia). The fishery in the 2008/09 season shall be conducted by one (1) Russian flagged vessels using pots only.

2. The crab fishery shall be limited to one vessel per Member.

Catch limit 3. The total catch of crab in Statistical Subarea 48.4 in the 2008/09 season shall not exceed a precautionary catch limit of 10 tonnes.

4. The crab fishery shall be limited to sexually mature male crabs—all female and undersized male crabs caught shall be released unharmed. In the case of *Paralomis spinosissima* and *Paralomis formosa*, males with a minimum carapace width of 94 and 90 mm, respectively, may be retained in the catch.

Season 5. For the purpose of the pot fishery for crab in Statistical Subarea 48.2, the 2008/09 season is defined as the period from 1 December 2008 to 30 November 2009, or until the catch limit is reached, whichever is sooner.

By-catch 6. All by-catch of finfish shall be recorded for length, identified to species and then released to the sea with the least possible handling. Before release, all live specimens of *Dissostichus* spp. shall be measured and tagged. Full biological data shall be taken from all dead finfish by-catch. A total by-catch limit of 0.5 tonnes shall apply for all dead finfish.

Observers 7. Each vessel participating in this fishery shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, and where possible one additional scientific observer, on board throughout all fishing activities within the fishing period. Scientific observers shall be afforded unrestricted access to the catch for statistical random sampling prior to, as well as after, sorting by the crew.

Data: Catch/Effort 8. For the purpose of implementing this conservation measure in the 2008/09 season, the following shall apply:

(i) The Five-day Catch and Effort Reporting System set out in Conservation Measure 23–01;

(ii) The Monthly Fine-scale Catch and Effort Reporting System set out in Conservation Measure 23–04. Fine-scale data shall be submitted on a haul-by-haul basis.

9. For the purpose of Conservation Measures 23–02 and 23–04 the target species is crab and by-catch species are defined as any species other than crab.

Data: Biological 10. Fine-scale biological data, as required under Conservation Measure 23–05, shall be collected and recorded. Such data shall be reported in accordance with the CCAMLR Scheme of International Scientific Observation.

Research 11. Each vessel participating in this exploratory fishery shall conduct fishery-based research in accordance with the data requirements described in Annex 52–03/A and the experimental harvest regime described in Annex 52–03/B. Data collected for the period up to 31 August 2009 shall be reported to CCAMLR by 30 September 2009 so that the data will be available to the meeting of the Working Group on Fish Stock Assessment (WG–FSA) in 2009. Such data collected after 31 August 2009 shall be reported to CCAMLR not later than three months after the closure of the fishery.

Environmental protection 12. Conservation Measure 26–01 applies.

Annex 52–03/A

Data Requirements

Catch and Effort Data

Cruise Descriptions

Cruise code, vessel code, permit number, year.

Pot Descriptions

Diagrams and other information, including pot shape, dimensions, mesh size, funnel position, aperture and orientation, number of chambers, presence of an escape port.

Effort Descriptions

Date, time, latitude and longitude of the start of the set, compass bearing of the set, total number of pots set, spacing of pots on the line, number of pots lost, depth, soak time, bait type.

Catch Descriptions

Retained catch in numbers and weight, by-catch of all species (see Table 1), incremental record number for linking with sample information.

Table 1: Data requirements for by-catch species in the crab fishery in Statistical Subarea 48.3.

Species	Data requirements
Dissostichus eleginoides	Numbers and estimated total weight
Notothenia rossii	Numbers and estimated total weight
Other species	Estimated total weight

Biological Data

For these data, crabs are to be sampled from the line hauled just prior to noon, by collecting the entire contents of a number of pots spaced at intervals along the line so that between 35 and 50 specimens are represented in the subsample.

Cruise Descriptions

Cruise code, vessel code, permit number.

Sample Descriptions

Date, position at start of the set, compass bearing of the set, line number.

Data

Species, sex, length of at least 35 individuals, presence/absence of rhizocephalan parasites, record of the destination of the crab (kept, discarded, destroyed), record of the pot number from which the crab comes.

Annex 52–03/B

Experimental Harvest Regime

The following annex applies to all crab fishing within Statistical Subarea 48.4. Every vessel participating in the crab fishery in Statistical Subarea 48.4 shall conduct fishing operations in accordance with an experimental harvest regime as outlined below:

1. Vessels shall conduct the experimental harvest regime at the start of their first season of participation in the crab fishery and the following conditions shall apply:

(i) Every vessel when undertaking an experimental harvesting regime shall expend its first 30,000 pot hours of effort within a total area delineated by seven blocks distributed amongst seven island groups. For the purposes of this conservation measure, these blocks shall be numbered A to G. In Annex 52–03/C, the blocks are illustrated (Figure 1). For each string, pot hours shall be calculated by taking the total number of pots on the string and multiplying that number by the soak time (in hours) for that string. Soak time shall be defined for each string as the time between start of setting and start of hauling;

(ii) Vessels shall not fish outside the area delineated by the seven blocks prior to completing the experimental harvesting regime;

(iii) Vessels shall not expend more than 4 500 pot hours in any single island group;

(iv) If a vessel returns to port before it has expended 30 000 pot hours in the experimental harvesting regime, the remaining pot hours shall be expended before it can be considered that the vessel has completed the experimental harvesting regime;

(v) After completing 30 000 pot hours of experimental fishing, it shall be considered that vessels have completed the experimental harvesting regime and they shall be permitted to commence fishing in a normal fashion.

2. Data collected during the experimental harvest regime up to 30 June 2009 shall be submitted to CCAMLR by 31 August 2009.

3. Vessels that complete the experimental harvest regime shall not be required to conduct experimental fishing in future seasons.

4. Fishing vessels shall participate in the experimental harvest regime independently (*i.e.* vessels may not

cooperate to complete phases of the experiment).

5. Crabs taken by any vessel for research purposes will be considered as part of any catch limits in force for each species taken, and shall be reported to CCAMLR as part of the annual STATLANT returns.

6. All vessels participating in the experimental harvest regime shall carry at least one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board during all fishing activities.

ANNEX 52-03/C

LOCATIONS OF FISHING AREAS FOR THE EXPERIMENTAL HARVEST REGIME

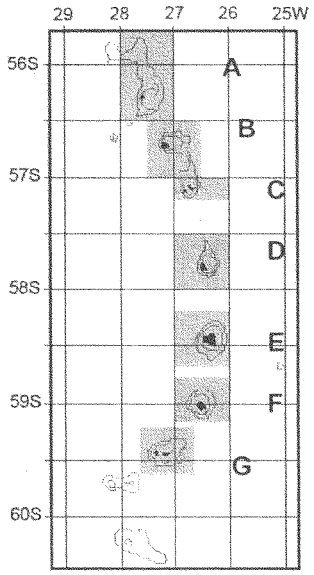


Figure 1: Operational area for Phase 1 of experimental harvest regime for the exploratory fishery for crab in Subarea 48.4.

Conservation Measure 61–01 (2008)

Limits on the exploratory fishery for *Martialia hyadesi* in Statistical Subarea 48.3 in the 2008/09 season

(Species: squid; Area: 48.3; Season: 2008/09; Gear: jig)

The Commission hereby adopts the following conservation measure in accordance with Conservation Measures 21–02 and 31–01:

Access 1. Fishing for *Martialia hyadesi* in Statistical Subarea 48.3 shall be limited to the exploratory jig fishery by notifying countries. The fishery shall be conducted by vessels using jigs only.

Catch limit 2. The total catch of *Martialia hyadesi* in Statistical Subarea 48.3 in the 2008/09 season shall not exceed a precautionary catch limit of 2 500 tonnes.

Season 3. For the purpose of the exploratory jig fishery for *Martialia hyadesi* in Statistical Subarea 48.3, the 2008/09 season is defined as the period from 1 December 2008 to 30 November 2009, or until the catch limit is reached, whichever is sooner.

Observers 4. Each vessel participating in this fishery shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, and where possible one additional scientific observer, on board throughout all fishing activities within the fishing period.

Data: Catch/Effort 5. For the purpose of implementing this conservation measure in the 2008/09 season, the following shall apply:

(i) The Ten-day Catch and Effort Reporting System set out in Conservation Measure 23–02;

(ii) The Monthly Fine-scale Catch and Effort Reporting System set out in Conservation Measure 23–04. Fine-scale

data shall be submitted on a haul-by-haul basis.

6. For the purpose of Conservation Measures 23–02 and 23–04, the target species is *Martialia hyadesi* and by-catch species are defined as any species other than *Martialia hyadesi*.

Data: Biological 7. Fine-scale biological data, as required under Conservation Measure 23–05, shall be collected and recorded. Such data shall be reported in accordance with the CCAMLR Scheme of International Scientific Observation.

Research 8. Each vessel participating in this exploratory fishery shall collect data in accordance with the Data Collection Plan described in Annex 61–01/A. Data collected pursuant to the plan for the period up to 31 August 2009 shall be reported to CCAMLR by 30 September 2009.

Environmental protection 9. Conservation Measure 26–01 applies.

ANNEX 61–01/a is unchanged

Resolution 27/XXVII

Use of a specific tariff classification for Antarctic krill (applies to krill in all areas in all seasons but only for trawl gear)

The Commission,

Recognising the importance of krill within the Antarctic ecosystem,

Mindful of the continuing increase in krill notifications received by the CCAMLR Secretariat and the potential for krill catch rates in the CAMLR Convention Area to also increase,

Noting the increased demand for krill products on the final destination markets,

Reaffirming the importance of continuing the orderly development of the Antarctic krill fishery to ensure that the expanding fishery remains consistent with the objectives of the Convention,

urges the Contracting Parties,

To introduce into their domestic law, and use accordingly, an appropriate tariff classification in order to improve knowledge of the volume and trade of Antarctic krill.

Resolution 28/XXVII

Ballast water exchange in the Convention Area (applies to all species in all areas in all seasons for all gear)

The Commission,

Affirming that CCAMLR was established to conserve the marine living resources of the Antarctic marine ecosystem,

Aware of the potential for invasive marine organisms to be transported into or moved between biologically distinct regions within the Convention Area by ships in their ballast water,

Recalling the requirements of Annex II to the Protocol on Environmental Protection to the Antarctic Treaty regarding conservation of Antarctic fauna and flora and in particular of the precautions taken to prevent the introduction of non-native species,

Conscious that the International Convention for the Control and Management of Ships' Ballast Waters and Sediments, 2004 (IMO Ballast Water Management Convention), has yet to enter into force, but *noting* in particular its Article 13, which provides that in order to further the objectives of the Convention, Parties with common interests to protect the environment * * * in a given geographical area * * * shall endeavourn * * * to enhance regional cooperation, including through the conclusion of regional agreements consistent with the Ballast Water Management Convention,

Recalling also Resolution 3(2006) adopted by the Antarctic Treaty Consultative Meeting, and Resolution MEPC.163(56) adopted by the International Maritime Organisation, which adopted *Guidelines for Ballast Water Exchange in the Antarctic Treaty Area*,

Desiring to extend the application of the above mentioned guidelines to the whole of the CAMLR Convention Area,

1. Urges all Contracting Parties and non-Contracting Parties cooperating with CCAMLR to take particular measures to apply the existing IMO *Guidelines for Ballast Water Exchange in the Antarctic Treaty Area*, and also the *Guidelines for Ballast Water Exchange in the CAMLR Convention Area north of 60° S*, as set out in the annex to this resolution, as an interim measure to all ships engaged in harvesting and associated activities in the CAMLR Convention Area, before the Ballast Water Management Convention comes into force.

2. Furthermore, urges all Contracting Parties and non-Contracting Parties cooperating with CCAMLR to take action to develop effective treatment for ballast water.

Annex

Guidelines for Ballast Water Exchange in the CAMLR Convention Area North of 60° S [1]

1. The application of these Guidelines should apply to those vessels covered by Article 3 of the IMO's International Convention for the Control and Management of Ships' Ballast Water and Sediments (the Ballast Water Management Convention), taking into account the exceptions in Regulation A–3 of the Convention, which are engaged in harvesting and associated activities in the CAMLR Convention Area (as set out in Article II.3 of the Convention). These Guidelines do not replace the requirements of the Ballast Water Management Convention, but supplement the interim Ballast Water Regional Management Plan for Antarctica under Article 13(3), which has been adopted in ATCM Resolution 3 (2006) and IMO Resolution MEPC.163(56).

2. If the safety of the ship is in any way jeopardised by a ballast exchange, it shall not take place. Additionally these guidelines shall not apply to the uptake or discharge of ballast water and sediments for ensuring the safety of the ship in emergency situations or saving life at sea in the CAMLR Convention Area.

3. A Ballast Water Management Plan should be prepared for each vessel with ballast tanks entering the Convention Area, specifically taking into account the problems of ballast water exchange in cold environments and in Antarctic conditions.

4. Each vessel entering the Convention Area should keep a record of ballast water operations.

5. Vessels are strongly encouraged to not discharge any ballast water in the Convention Area.

6. For vessels intending to discharge ballast water within the Convention Area, ballast water should first be exchanged before arrival in the Convention Area (preferably north of either the Antarctic Polar Frontal Zone or 60° S, whichever is the furthest north) and at least 200 n miles from the nearest land in water 200 m deep. (If this is not possible for operational reasons then such exchange should be undertaken in waters 50 n miles from the nearest land in waters of 200 m depth.)

7. Only those tanks that will be discharged in the Convention Area would need to undergo ballast water exchange following the procedure in paragraph 6. Ballast Water Exchange of all tanks is encouraged for all vessels that have the potential/capacity to load cargo in the Convention Area, as Antarctic voyages are renowned for their changes to planned routes and activities.

8. If a vessel has taken on ballast water in the Convention Area and is intending to discharge ballast water in Arctic, sub-Arctic, or sub-Antarctic waters, it is recommended that ballast water should be exchanged north of the Antarctic Polar Frontal Zone, and at least 200 n miles from the nearest land

in water at least 200 m deep. (If this is not possible for operational reasons then such exchange should be undertaken in waters 50 n miles from the nearest land in waters of 200 m depth).

9. Release of sediments during the cleaning of ballast tanks should not take place in the Convention Area.

10. For vessels that have spent significant time in the Arctic, ballast water sediment should preferably be discharged and tanks cleaned before entering the Convention Area. If this cannot be done then sediment accumulation in ballast tanks should be monitored and sediment should be disposed of in accordance with the ship's Ballast Water Management Plan. If sediments are disposed of at sea, then they should be disposed of in waters greater than 200 n miles from the shoreline in waters 200 m deep.

11. CCAMLR Members are invited to exchange information on invasive marine species or anything that will change the perceived risk associated with ballast waters.

[1] ATCM Resolution 3(2006) and IMO Resolution MEPC.163(56) set out identical practical guidelines for all vessels operating in the Antarctic Treaty Area (i.e. south of 60° S).

Dated: February 2, 2009.

Samuel D. Rauch III,

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

Dated: February 2, 2009.

Margaret F. Hayes,

Director, Office of Ocean Affairs, Department of State.

[FR Doc. E9–2516 Filed 2–11–09; 8:45 am]

BILLING CODE 3510–22–P

Federal Register

Thursday,
February 12, 2009

Part III

Office of Management and Budget

Recommendations From the Metropolitan and Micropolitan Statistical Area Standards Review Committee to the Office of Management and Budget Concerning Changes to the 2000 Standards for Defining Metropolitan and Micropolitan Statistical Areas; Notice

OFFICE OF MANAGEMENT AND BUDGET

Recommendations From the Metropolitan and Micropolitan Statistical Area Standards Review Committee to the Office of Management and Budget Concerning Changes to the 2000 Standards for Defining Metropolitan and Micropolitan Statistical Areas

AGENCY: Executive Office of the President, Office of Management and Budget (OMB), Office of Information and Regulatory Affairs.

ACTION: Notice and request for comment.

SUMMARY: Under the authority of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 1104(d)) and the Paperwork Reduction Act of 1995 (44 U.S.C. 3504(e)), the Office of Management and Budget (OMB) requests public comment on the recommendations it has received from the Metropolitan and Micropolitan Statistical Area Standards Review Committee for changes to OMB's metropolitan and micropolitan statistical area standards. The committee's report and recommendations, which are published in their entirety in the Appendix, follow from study of the 2000 standards, published by OMB in the December 27, 2000 **Federal Register** (65 FR 82227–82238). The committee's work is a key element in OMB's review that will culminate in publication of the 2010 statistical area standards for the next decade. (Decisions on changes to the metropolitan and micropolitan statistical area standards will not affect the collection, tabulation, and publication of data from the 2010 Census and other current Federal data collections for geographic areas such as states, counties, county subdivisions, and municipalities.)

Request for Comments: OMB is seeking comments only on the specific recommendations of the committee for revising the 2000 standards. In addition, OMB would welcome comments on the wording of the recommended 2010 standards to help ensure their clarity and understandability. Comments submitted in response to this notice may be made available to the public, including by posting them on OMB's Web site. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information.

Electronic Availability: This notice is available on the Internet from the OMB Web site at *http://www.whitehouse.gov/omb/fedreg/2009.aspx.* **Federal Register** notices are also available electronically from the U.S. Government Printing Office Web site at *http://www.gpoaccess.gov/fr/index.html.*

DATES: To ensure consideration during the decision-making process, OMB must receive all comments in writing on or before April 13, 2009.

ADDRESSES: *Comments may be sent to:* Katherine K. Wallman, Chief Statistician, Office of Management and Budget, Room 10201 New Executive Office Building, Washington, DC 20503, telephone number (202) 395–3093, fax number (202) 395–7245. E-mail comments may be sent to *2010MetroAreas@omb.eop.gov* with the subject 2010 MetroAreas, or via *http://www.regulations.gov*—a Federal E-Government Web site that allows the public to find, review, and submit comments on documents that agencies have published in the **Federal Register** and that are open for comment. Simply type ''2010 MetroAreas'' (in quotes) in the Comment or Submission search box, click Go, and follow the instructions for submitting comments. Comments received with subject ''2010 MetroAreas'' by the date specified above will be included as part of the official record.

Because of delays in the receipt of regular mail due to security screening, you are encouraged to use electronic communications to transmit your comments to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT: James D. Fitzsimmons, Chair, Metropolitan and Micropolitan Statistical Area Standards Review Committee, telephone number (301) 763–1465; or E-mail *pop.fr.notice@census.gov.*

SUPPLEMENTARY INFORMATION:

Outline of Notice

1. Background
2. Review Process
3. Overview of Recommendations from the Metropolitan and Micropolitan Statistical Area Standards Review Committee
4. Issues for Comment
Appendix: Report and Recommendations from the Metropolitan and Micropolitan Statistical Area Standards Review Committee to the Office of Management and Budget Concerning Changes to the 2000 Standards for Defining Metropolitan and Micropolitan Statistical Areas
A. Discussion of Recommendations
B. Recommended 2010 Standards for Delineating Metropolitan and Micropolitan Statistical Areas and Key Terms

1. Background

The metropolitan area program has provided standard statistical area delineations for approximately 60 years. In the 1940s, it became clear that the value of metropolitan data produced by Federal agencies would be greatly enhanced if agencies used a single set of geographic delineations for the Nation's largest centers of population and activity. OMB's predecessor, the Bureau of the Budget, led the effort to develop what were then called ''standard metropolitan areas'' in time for their use in 1950 census publications. Since then, comparable data products for metropolitan areas have been available.

The general concept of a metropolitan statistical area is that of an area containing a large population nucleus and adjacent communities that have a high degree of integration with that nucleus. The concept of a micropolitan statistical area closely parallels that of the metropolitan statistical area, but a micropolitan statistical area features a smaller nucleus. The purpose of these statistical areas is unchanged from when metropolitan areas were first delineated: The classification provides a nationally consistent set of delineations for collecting, tabulating, and publishing Federal statistics for geographic areas.

OMB establishes and maintains these areas solely for statistical purposes. *In reviewing and revising these areas, OMB does not take into account or attempt to anticipate any public or private sector nonstatistical uses that may be made of the delineations. These areas are not designed to serve as a general-purpose geographic framework applicable for nonstatistical activities or for use in program funding formulas.*

2. Review Process

From the beginning of the program, OMB (or its predecessor) has reviewed the metropolitan (and now micropolitan) statistical area standards and, if warranted, revised them in the years preceding their application to new decennial census data. During the 1990s, OMB conducted a comprehensive review of the 1990 standards, leading to the development of the core based statistical areas (metropolitan and micropolitan statistical areas) and combined statistical areas as contained in the 2000 standards (available at: *http://www.whitehouse.gov/omb/fedreg/metroareas122700.pdf*). Periodic review of the standards is necessary to ensure their continued usefulness and relevance. The current review of the metropolitan and micropolitan

statistical area standards is the sixth such review.

In 2008, OMB charged the Metropolitan and Micropolitan Statistical Area Standards Review Committee with examining the 2000 metropolitan and micropolitan statistical area standards and providing recommendations on the standards scheduled to be issued no later than December 2010. Agencies represented on the review committee include the Census Bureau (Chair), Bureau of Economic Analysis, Bureau of Labor Statistics, Bureau of Transportation Statistics, Economic Research Service, National Center for Health Statistics, and *ex officio*, OMB. The Census Bureau has provided research support to the committee.

This notice is the first of two anticipated notices related to the review of the 2000 standards. OMB expects to publish the final standards in the second notice no later than December 2010.

3. Overview of Recommendations From the Metropolitan and Micropolitan Statistical Area Standards Review Committee

This **Federal Register** notice makes available for comment the committee's recommendations to OMB on how the 2000 metropolitan and micropolitan statistical area standards should be revised. These recommendations are presented in their entirety in the ''Report and Recommendations from the Metropolitan and Micropolitan Statistical Area Standards Review Committee to the Office of Management and Budget Concerning Changes to the 2000 Standards for Defining Metropolitan and Micropolitan Statistical Areas,'' provided in the Appendix to this notice. Section B of the Appendix presents for public comment the specific 2010 standards recommended by the committee for adoption by OMB.

The committee notes that the 2000 standards, which provided for core based statistical areas (CBSAs) and combined statistical areas and were the result of an extensive and comprehensive review of previous standards, have served the Federal statistical community well. Certain aspects of the standards, however, needed to be evaluated in light of experiences from the post-2000 implementation of the standards; these aspects included combined statistical area qualification and titling, and metropolitan and micropolitan statistical area updating.

The committee recommends that the use of local opinion be eliminated in the qualification of metropolitan and micropolitan statistical areas to form combined statistical areas, and that adjacent CBSAs be combined automatically if they possess an employment interchange measure of 15 or higher. (As in the past, areas that are combined would also retain their status as discrete metropolitan or micropolitan statistical areas.) The committee also recommends eliminating local opinion from the combined statistical area titling criteria and instead titling each combined statistical area using the names of the two principal cities with the largest populations, and the name of the third-largest principal city, if present. If the combined statistical area title duplicates that of one of its component CBSAs, the committee recommends dropping the third-most populous principal city name from the title of the combined statistical area.

After the initial redelineation based on the 2010 standards is announced in 2013, the committee recommends that OMB: (1) Limit yearly intercensal updates to the identification of new metropolitan and micropolitan statistical areas (and process certain changes to principal cities such as names and legal status), and (2) conduct an update of the areas in 2018 based on aspects of delineation that can be performed using Census Bureau total population estimates from the Population Estimates Program and commuting and employment 5-year estimates from the American Community Survey. The committee expresses its dissatisfaction with the word ''definition'' to characterize the boundaries of a particular area and recommends replacing it with the word ''delineation.''

4. Issues for Comment

With this notice, OMB requests comment on the recommendations of the Metropolitan and Micropolitan Statistical Area Standards Review Committee concerning revisions to the 2000 standards for defining metropolitan and micropolitan statistical areas. The 2010 standards recommended to OMB for adoption appear in Section B of the Appendix to this notice. Section A of the Appendix provides a discussion of the recommendations for changes to the 2000 standards. To help ensure the clarity of the 2010 recommended standards, OMB would appreciate receiving comments on their wording.

Kevin F. Neyland,

Acting Administrator, Office of Information and Regulatory Affairs.

Appendix: Report and Recommendations From the Metropolitan and Micropolitan Statistical Area Standards Review Committee to the Office of Management and Budget Concerning Changes to the 2000 Standards for Defining Metropolitan and Micropolitan Statistical Areas

[Transmittal Memorandum]
December 19, 2008.

Memorandum for Katherine K. Wallman, Chief Statistician, Office of Management and Budget

From: Metropolitan and Micropolitan Statistical Area Standards Review Committee.

Subject: Transmittal of Report and Recommendations Concerning Changes to the 2000 Standards for Defining Metropolitan and Micropolitan Statistical Areas.

We are pleased to transmit to you the attached report presenting this committee's recommendations for modifying the Office of Management and Budget's (OMB's) 2000 standards for defining metropolitan and micropolitan statistical areas. They represent our best technical and professional advice for how the standards could better account for and describe changes in settlement and activity patterns throughout the United States and Puerto Rico, yet still meet the data reporting needs and requirements of Federal agencies and the public. We also are providing the specific 2010 standards recommended by the committee, including definitions of key terms. We hope that OMB will find these recommendations informative and helpful in making its decision on what changes, if any, to adopt in the standards for defining geographic areas for collecting, tabulating, and publishing Federal statistics.

Attachment

Recommendations From the Metropolitan and Micropolitan Statistical Area Standards Review Committee to the Office of Management and Budget Concerning Changes to the 2000 Standards for Defining Metropolitan and Micropolitan Statistical Areas

A. Discussion of Recommendations

The committee notes that the 2000 standards, the result of an extensive and comprehensive review of the previous,

1990 standards, have served the Federal statistical community well over the past decade. However, the committee determined that aspects of the standards—particularly those concerning combined statistical area qualification and titling, and metropolitan and micropolitan statistical area updating—need to be revised to better serve data users.

1. Recommendations Concerning Combined Statistical Areas

The Metropolitan and Micropolitan Statistical Area Standards Review Committee recommends elimination of the use of local opinion in the qualification of combinations with employment interchange measures between 15 and 25. Adjacent core based statistical areas (CBSAs) should automatically qualify for combination if they possess an employment interchange measure of 15 or higher. The committee also recommends elimination of the use of local opinion in combined statistical area titling; each combined statistical area should be titled using the names of the two principal cities with the largest populations in the combined statistical area, as well as the name of the third-largest principal city, if present.

In the 2000 standards, OMB provided for combined statistical areas to recognize ties between contiguous metropolitan and/or micropolitan statistical areas that are less intense than those captured by mergers, but still significant. (Mergers occur when adjacent CBSAs become a single CBSA because the central county or counties (as a group) of one CBSA qualify as outlying to the central county or counties (as a group) of the other CBSA.) These combinations were based on the employment interchange measure between two CBSAs, defined as the sum of the percentage of commuting from the smaller area to the larger area and the percentage of employment in the smaller area accounted for by workers residing in the larger area.

In reviewing the 2000 standards, the committee noted that combined statistical areas can serve as an important geographic tool for the Federal statistical data community. The committee also observed, however, that under the current system—in which adjacent metropolitan and/or micropolitan statistical areas combine automatically if they meet a specified employment interchange measure of 25 or more, while areas with an interchange measure of less than 25 but at least 15 qualify with the support of local opinion—the universe of combined statistical areas is heterogeneous. This calls into question the comparability of the areas. Applying only statistical rules when delineating areas—the means by which the other statistical areas delineated by OMB currently qualify—minimizes ambiguity and maximizes the replicability, transparency, and integrity of the process. The committee advocated applying only statistical rules, automatically combining all areas with the minimum employment interchange measure of 15.

Under the 2000 standards, local opinion also is used for determining titles for combined statistical areas. The committee argued that just as the qualification of combined statistical areas should be based on the application of statistical rules, so too should combined statistical areas titling. The committee recommended elimination of local opinion from combined statistical area titling and instead recommended titling combined statistical areas in the same manner as their component metropolitan and/or micropolitan statistical areas: The title of a combined statistical area should be based on the names of the two principal cities in the combination with the largest populations, as well as the name of the third-largest principal city, if present. To avoid potential confusion, the committee recommends dropping the name of the third most populous principal city from the title of a combined statistical area if the combined statistical area title duplicates that of one of its component CBSAs.

2. Recommendations Concerning Intercensal Update

The committee recommends that OMB: (1) Limit its yearly updates to the identification of new metropolitan and micropolitan statistical areas (and process certain changes to principal cities such as names and legal status) and (2) conduct an update in 2018 based on those aspects of delineation that can be performed using Census Bureau total population estimates from the Population Estimates Program as well as 5-year commuting and employment estimates from the American Community Survey.

For some purposes, frequent updates of the areas are desirable, but for other purposes stability of the inventory of areas has advantages.

The committee examined the criteria for statistical area updates in the 2000 standards as well as the application of those criteria over the decade. Annual intercensal updates of statistical areas since 2003 have been extensive and have included: (1) Qualification of new micropolitan statistical areas; (2) qualification of new metropolitan statistical areas; (3) qualification of new principal cities; (4) deletion of principal cities; and (5) changes in the titles of metropolitan statistical areas, micropolitan statistical areas, and metropolitan divisions, based on the addition and/or deletion of principal cities as well as changes in the relative population size rankings of principal cities.

The 2000 standards also included criteria for updating areas in 2008 based on American Community Survey 5-year commuting and employment estimates. Given a subsequent change in the American Community Survey production and release schedule, the 2008 update that was described in the 2000 standards could not be implemented.

The committee observed that yearly updates can present potential difficulties to producers and users of metropolitan and micropolitan statistical area data, including the potentially considerable workload that yearly intercensal update coding and titling changes can pose for maintaining large databases. The committee supports a more limited yearly update, identifying only new metropolitan and micropolitan statistical areas.[1] OMB would continue to process changes to principal cities based on changes in their names and legal status. For example, if a principal city disincorporates or changes its name, that would be reflected in the yearly update inventory of principal cities, CBSA titles, and codes.

The committee recommends a more comprehensive update of metropolitan and micropolitan and related statistical areas in 2018 based on those parts of delineation that can be conducted using Census Bureau total population estimates from the Population Estimates Program and 5-year commuting and employment estimates from the American Community Survey. The urbanized areas and urban clusters used throughout the 2018 delineation process will be the 2010 Census Bureau-delineated urbanized areas and urban clusters. The central counties of CBSAs identified on the basis of a 2010 Census population count, or on the basis of population estimates or a special census count in the case of intercensally delineated areas, would constitute the

[1] A metropolitan statistical area that qualifies under the yearly update due a special census or population estimate will not contain an urbanized area as delineated by the Census Bureau. The Census Bureau's Population Estimates Program produces and disseminates the official total population estimates of cities that are used in the update process.

central counties for purposes of the 2018 area delineations.

3. Recommendation Concerning the Use of the Word ''Definition''

The committee recommends that OMB replace the word ''definition'' with the word ''delineation'' in the proposed 2010 standards.

During much of the history of the metropolitan and micropolitan statistical area program, the term ''definition'' has been used to refer to the boundaries or geographic makeup of an area (*e.g.*, the definition of the Altoona, PA Metropolitan Statistical Area). While the program's use of the term has been consistent, it is not intuitive for those first encountering the program.

The committee noted that while the term ''definition'' has been used by OMB for several decades, it has caused confusion for some data users. The committee recommends replacing ''definition'' with ''delineation'' to reference the geographic boundaries of the statistical areas.

B. Recommended 2010 Standards for Delineating Metropolitan and Micropolitan Statistical Areas and Key Terms

(If approved by the Office of Management and Budget, the proposed standards below will be used to delineate Core Based Statistical Areas beginning in 2013.)

A Core Based Statistical Area (CBSA) is a geographic entity associated with at least one core of 10,000 or more population, plus adjacent territory that has a high degree of social and economic integration with the core as measured by commuting ties. The standards designate and delineate two categories of CBSAs: Metropolitan Statistical Areas and Micropolitan Statistical Areas. The purpose of the Metropolitan and Micropolitan Statistical Area standards is to provide nationally consistent delineations for collecting, tabulating, and publishing Federal statistics for a set of geographic areas. The Office of Management and Budget establishes and maintains these areas solely for statistical purposes. Metropolitan and Micropolitan Statistical Areas are not designed as a general-purpose geographic framework for nonstatistical activities or for use in program funding formulas. The CBSA classification is not an urban-rural classification; Metropolitan and Micropolitan Statistical Areas and many counties outside CBSAs contain both urban and rural populations.

CBSAs consist of counties and equivalent entities throughout the United States and Puerto Rico. In view of the importance of cities and towns in New England, a set of geographic areas similar in concept to the county-based CBSAs also will be delineated for that region using cities and towns. These New England City and Town Areas (NECTAs) are intended for use with statistical data, whenever feasible and appropriate, for New England. Data providers and users desiring areas delineated using a nationally consistent geographic building block should use the county-based CBSAs in New England.

The following criteria apply to both the nationwide county-based CBSAs and to NECTAs, with the exceptions of Sections 7 and 9 in which separate criteria are applied when identifying and titling divisions within NECTAs that contain at least one core of 2.5 million or more population. Wherever the word ''county'' or ''counties'' appears in the following criteria (except in Sections 7 and 9), the words ''city and town'' or ''cities and towns'' should be substituted, as appropriate, when delineating NECTAs. Commuting and employment estimates are derived from the Census Bureau's American Community Survey.

Section 1. Population Size Requirements for Qualification of Core Based Statistical Areas

Each CBSA must have a Census Bureau delineated urbanized area of at least 50,000 population or a Census Bureau delineated urban cluster of at least 10,000 population. (Urbanized areas and urban clusters are collectively referred to as ''urban areas.'')

Section 2. Central Counties

The central county or counties of a CBSA are those counties that:

(a) Have at least 50 percent of their population in urban areas of at least 10,000 population; or

(b) Have within their boundaries a population of at least 5,000 located in a single urban area of at least 10,000 population.

A central county is associated with the urbanized area or urban cluster that accounts for the largest portion of the county's population. The central counties associated with a particular urbanized area or urban cluster are grouped to form a single cluster of central counties for purposes of measuring commuting to and from potentially qualifying outlying counties.

Section 3. Outlying Counties

A county qualifies as an outlying county of a CBSA if it meets the following commuting requirements:

(a) At least 25 percent of the employed residents of the county work in the central county or counties of the CBSA; or

(b) At least 25 percent of the employment in the county is accounted for by workers who reside in the central county or counties of the CBSA.

A county may be included in only one CBSA. If a county qualifies as a central county of one CBSA and as outlying in another, it falls within the CBSA in which it is a central county. A county that qualifies as outlying to multiple CBSAs falls within the CBSA with which it has the strongest commuting tie, as measured by either (a) or (b) above. The counties included in a CBSA must be contiguous; if a county is not contiguous with other counties in the CBSA, it will not fall within the CBSA.

Section 4. Merging of Adjacent Core Based Statistical Areas

Two adjacent CBSAs will merge to form one CBSA if the central county or counties (as a group) of one CBSA qualify as outlying to the central county or counties (as a group) of the other CBSA using the measures and thresholds stated in 3(a) and 3(b) above.

Section 5. Identification of Principal Cities

The Principal City (or Cities) of a CBSA will include:

(a) The largest incorporated place with a 2010 Census population of at least 10,000 in the CBSA or, if no incorporated place of at least 10,000 population is present in the CBSA, the largest incorporated place or census designated place in the CBSA; and

(b) Any additional incorporated place or census designated place with a 2010 Census population of at least 250,000 or in which 100,000 or more persons work; and

(c) Any additional incorporated place or census designated place with a 2010 Census population of at least 50,000, but less than 250,000, and in which the number of jobs meets or exceeds the number of employed residents; and

(d) Any additional incorporated place or census designated place with a 2010 Census population of at least 10,000, but less than 50,000, and one-third the population size of the largest place, and in which the number of jobs meets or exceeds the number of employed residents.

Section 6. Categories and Terminology

A CBSA receives a category based on the population of the largest urban area (urbanized area or urban cluster) within the CBSA. Categories of CBSAs are: Metropolitan Statistical Areas, based on

urbanized areas of 50,000 or more population, and Micropolitan Statistical Areas, based on urban clusters of at least 10,000 population but less than 50,000 population. Counties that do not fall within CBSAs will represent ''Outside Core Based Statistical Areas.'' A NECTA receives a category in a manner similar to a CBSA and is referred to as a Metropolitan NECTA or a Micropolitan NECTA.

Section 7. Divisions of Metropolitan Statistical Areas and New England City and Town Areas

(a) A Metropolitan Statistical Area containing a single urbanized area with a population of at least 2.5 million may be subdivided to form smaller groupings of counties referred to as Metropolitan Divisions. A county qualifies as a ''main county'' of a Metropolitan Division if 65 percent or more of its employed residents work within the county and the ratio of the number of jobs located in the county to the number of employed residents of the county is at least .75. A county qualifies as a ''secondary county'' if 50 percent or more, but less than 65 percent, of its employed residents work within the county and the ratio of the number of jobs located in the county to the number of employed residents of the county is at least .75. A main county automatically serves as the basis for a Metropolitan Division. For a secondary county to qualify as the basis for forming a Metropolitan Division, it must join with either a contiguous secondary county or a contiguous main county with which it has the highest employment interchange measure of 15 or more. After all main counties and secondary counties are identified and grouped (if appropriate), each additional county that already has qualified for inclusion in the Metropolitan Statistical Area falls within the Metropolitan Division associated with the main/secondary county or counties with which the county at issue has the highest employment interchange measure. Counties in a Metropolitan Division must be contiguous.

(b) A NECTA containing a single urbanized area with a population of at least 2.5 million may be subdivided to form smaller groupings of cities and towns referred to as NECTA Divisions. A city or town will be a ''main city or town'' of a NECTA Division if it has a population of 50,000 or more and its highest rate of out-commuting to any other city or town is less than 20 percent. After all main cities and towns have been identified, each remaining city and town in the NECTA will fall within the NECTA Division associated with the city or town with which the one at issue has the highest employment interchange measure. Each NECTA Division must contain a total population of 100,000 or more. Cities and towns first assigned to areas with populations less than 100,000 will be assigned to the qualifying NECTA Division associated with the city or town with which the one at issue has the highest employment interchange measure. Cities and towns within a NECTA Division must be contiguous.

Section 8. Combining Adjacent Core Based Statistical Areas

(a) Any two adjacent CBSAs will form a Combined Statistical Area if the employment interchange measure between the two areas is at least 15.

(b) The CBSAs that combine will continue to be recognized as individual CBSAs within the larger Combined Statistical Areas.

Section 9. Titles of Core Based Statistical Areas, Metropolitan Divisions, New England City and Town Divisions, and Combined Statistical Areas

(a) The title of a CBSA will include the name of its Principal City with the largest 2010 Census population. If there are multiple Principal Cities, the names of the second-largest and (if present) third-largest Principal Cities will appear in the title in order of descending population size. If the Principal City with the largest 2010 Census population is a census designated place, the name of the largest incorporated place of at least 10,000 population that also is a Principal City will appear first in the title followed by the name of the census designated place. If the Principal City with the largest 2010 Census population is a census designated place, and there is no incorporated place of at least 10,000 population that also is a Principal City, the name of that census designated place Principal City will appear first in the title.

(b) The title of a Metropolitan Division will include the name of the Principal City with the largest 2010 Census population located in the Metropolitan Division. If there are multiple Principal Cities, the names of the second-largest and (if present) third-largest Principal Cities will appear in the title in order of descending population size. If there are no Principal Cities located in the Metropolitan Division, the title of the Metropolitan Division will use the names of up to three counties in order of descending population size.

(c) The title of a NECTA Division will include the name of the Principal City with the largest 2010 Census population located in the NECTA Division. If there are multiple Principal Cities, the names of the second-largest and (if present) third-largest Principal Cities will appear in the title in order of descending population size. If there are no Principal Cities located in the NECTA Division, the title of the NECTA Division will use the name of the city or town with the largest population.

(d) The title of a Combined Statistical Area will include the names of the largest two Principal Cities in the combination and the name of the third-largest Principal City, if present. If the Combined Statistical Area title duplicates that of one of its component CBSAs, the third-most populous principal city name will be dropped from the title of the Combined Statistical Area.

(e) Titles also will include the names of any state in which the area is located.

Section 10. Update Schedule

(a) The Office of Management and Budget will delineate CBSAs in 2013 based on Census 2010 data and American Community Survey 5-year estimates.

(b) Each year thereafter, the Office of Management and Budget will designate new Micropolitan Statistical Areas if:

(1) A city that is outside any existing CBSA has a Census Bureau special census count of 10,000 to 49,999 population, or a population estimate of 10,000 to 49,999 population for two consecutive years from the Census Bureau's Population Estimate Program, or

(2) A Census Bureau special census results in the delineation of an urban cluster of 10,000 to 49,999 population that is outside of any existing CBSA.

(c) Also each year thereafter, the Office of Management and Budget will designate new Metropolitan Statistical Areas if:

(1) A city that is outside any existing Metropolitan Statistical Area has a Census Bureau special census count of 50,000 or more population, or a population estimate of 50,000 or more population for two consecutive years from the Census Bureau's Population Estimate Program, or

(2) A Census Bureau special census results in the delineation of a new urbanized area of 50,000 population or more that is outside of any existing Metropolitan Statistical Area.

(d) In the years 2014 through 2017, and 2019, outlying counties of intercensally designated CBSAs will qualify, according to the criteria in Section 3 above, on the basis of

American Community Survey 5-year commuting estimates.

(e) The Office of Management and Budget will review the delineations of all existing CBSAs and related statistical areas in 2018 using 5-year commuting and employment estimates from the Census Bureau's American Community Survey. The urbanized areas and urban clusters used in the 2018 delineations will be the 2010 Census Bureau-delineated urbanized areas and urban clusters. The central counties of CBSAs identified on the basis of a 2010 Census population count, or on the basis of population estimates from the Census Bureau's Population Estimate Program or a special census count in the case of intercensally delineated areas, will constitute the central counties for purposes of the 2018 area delineations. New CBSAs will be designated in 2018 on the basis of Census Bureau special census counts or population estimates as described above in sections 10(b) and 10(c); outlying county qualification will be based on 5-year commuting estimates from the American Community Survey.

(f) Other aspects of the Metropolitan and Micropolitan Statistical Area and related Statistical Area delineations are not subject to change between decennial censuses.

Section 11. Definitions of Key Terms

Census designated place—A statistical geographic entity that is equivalent to an incorporated place, delineated for the decennial census, consisting of a locally recognized, unincorporated concentration of population that is identified by name.

Central county—The county or counties of a Core Based Statistical Area containing a substantial portion of an urbanized area or urban cluster or both, and to and from which commuting is measured to determine qualification of outlying counties.

Combined Statistical Area—A geographic entity consisting of two or more adjacent Core Based Statistical Areas (CBSAs) with employment interchange measures of at least 15.

Core—A densely settled concentration of population, comprising either an urbanized area (of 50,000 or more population) or an urban cluster (of 10,000 to 49,999 population) delineated by the Census Bureau, around which a Core Based Statistical Area is delineated.

Core Based Statistical Area (CBSA)—A statistical geographic entity consisting of the county or counties associated with at least one core (urbanized area or urban cluster) of at least 10,000 population, plus adjacent counties having a high degree of social and economic integration with the core as measured through commuting ties with the counties containing the core. Metropolitan and Micropolitan Statistical Areas are the two categories of Core Based Statistical Areas.

Delineation—The establishment of the boundary of a statistical area.

Employment interchange measure—A measure of ties between two adjacent entities. The employment interchange measure is the sum of the percentage of employed residents of the smaller entity who work in the larger entity and the percentage of employment in the smaller entity that is accounted for by workers who reside in the larger entity.

Geographic building block—The geographic unit, such as a county, that constitutes the basic geographic component of a statistical area.

Main city or town—A city or town that acts as an employment center within a New England City and Town Area that has a core with a population of at least 2.5 million. A main city or town serves as the basis for delineating a New England City and Town Area Division.

Main county—A county that acts as an employment center within a Core Based Statistical Area that has a core with a population of at least 2.5 million. A main county serves as the basis for delineating a Metropolitan Division.

Metropolitan Division—A county or group of counties within a Core Based Statistical Area that contains an urbanized area with a population of at least 2.5 million. A Metropolitan Division consists of one or more main/secondary counties that represent an employment center or centers, plus adjacent counties associated with the main/secondary county or counties through commuting ties.

Metropolitan Statistical Area—A Core Based Statistical Area associated with at least one urbanized area that has a population of at least 50,000. The Metropolitan Statistical Area comprises the central county or counties containing the core, plus adjacent outlying counties having a high degree of social and economic integration with the central county or counties as measured through commuting.

Micropolitan Statistical Area—A Core Based Statistical Area associated with at least one urban cluster that has a population of at least 10,000, but less than 50,000. The Micropolitan Statistical Area comprises the central county or counties containing the core, plus adjacent outlying counties having a high degree of social and economic integration with the central county or counties as measured through commuting.

New England City and Town Area (NECTA)—A statistical geographic entity that is delineated using cities and towns as building blocks and that is conceptually similar to the Core Based Statistical Areas in New England (which are delineated using counties as building blocks).

New England City and Town Area (NECTA) Division—A city or town or group of cities and towns within a NECTA that contains an urbanized area with a population of at least 2.5 million. A NECTA Division consists of a main city or town that represents an employment center, plus adjacent cities and towns associated with the main city or town, or with other cities and towns that are in turn associated with the main city or town, through commuting ties.

Outlying county—A county that qualifies for inclusion in a Core Based Statistical Area on the basis of commuting ties with the Core Based Statistical Area's central county or counties.

Outside Core Based Statistical Areas—Counties that do not qualify for inclusion in a Core Based Statistical Area.

Principal City—The largest city of a Core Based Statistical Area, plus additional cities that meet specified statistical criteria.

Secondary county—A county that acts as an employment center in combination with a main county or another secondary county within a Core Based Statistical Area that has a core with a population of at least 2.5 million. A secondary county serves as the basis for delineating a Metropolitan Division, but only when combined with a main county or another secondary county.

Urban area—The generic term used by the Census Bureau to refer collectively to urbanized areas and urban clusters.

Urban cluster—A statistical geographic entity to be defined by the Census Bureau for 2010 Census, consisting of a central place(s) and adjacent densely settled territory that together contain at least 2,500 people. For purposes of delineating Core Based Statistical Areas, only those urban clusters of 10,000 more population are considered.

Urbanized area—A statistical geographic entity defined by the Census Bureau, consisting of a central place(s) and adjacent densely settled territory that together contain at least 50,000 people.

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H.R. 2/P.L. 111–3
Children's Health Insurance Program Reauthorization Act of 2009 (Feb. 4, 2009; 123 Stat. 8)
Last List February 2, 2009

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