Federal Register

2–20–09 Friday
Vol. 74 No. 33 Feb. 20, 2009

Pages 7777–7992

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Tuesday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.federalregister.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** *www.gpoaccess.gov/nara,* available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at *gpoaccess@gpo.gov.* The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 74 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**

General online information **202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	**202–741–6005**
Assistance with Federal agency subscriptions	**202–741–6005**

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.

2. The relationship between the Federal Register and Code of Federal Regulations.

3. The important elements of typical Federal Register documents.

4. An introduction to the finding aids of the FR/CFR system.

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

Printed on recycled paper.

Contents

Federal Register

Vol. 74, No. 33

Friday, February 20, 2009

Agricultural Marketing Service
RULES
Nectarines and Peaches Grown in California:
Changes in Handling Requirements for Fresh Nectarines and Peaches, 7778–7782
Olives Grown in California:
Increased Assessment Rate, 7782–7785
PROPOSED RULES
Almonds Grown in California; Continuance Referendum, 7830
Peanut Promotion, Research and Information Order; Continuance Referendum, 7830–7831

Agriculture Department
See Agricultural Marketing Service
See Food Safety and Inspection Service
See Forest Service

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Board of Directors of the Hope for Homeowners Program
RULESS
Access to Information under the Freedom of Information Act, 7812–7814

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7904–7908

Civil Rights Commission
NOTICES
Meetings:
Kansas Advisory Committee, 7856

Coast Guard
RULES
Drawbridge Operating Regulations:
Gulf Intracoastal Waterway, Houma, LA, 7816
Drawbridge Operation Regulations:
Bayou Lacarpe, Houma, Lafourche Parish, LA, 7817
Hackensack River, Secaucus, NJ, Maintenance, 7817
Tennessee River, Decatur, AL, 7818
Safety Zones:
Underwater Object, Massachusetts Bay, MA, 7818–7820
PROPOSED RULES
Drawbridge Operation Regulations:
Atlantic Intracoastal Waterway, (AIWW) Scotts Hill, NC, 7844–7847

Commerce Department
See Economic Development Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement List; Additions and Deletions, 7855–7856

Commodity Futures Trading Commission
PROPOSED RULES
Acknowledgment Letters for Customer Funds and Secured Amount Funds, 7838–7843

Department of Transportation
See Pipeline and Hazardous Materials Safety Administration

Drug Enforcement Administration
NOTICES
Importer of Controlled Substances Application:
Supernus Pharmaceuticals, Inc., 7923–7924
Manufacturer of Controlled Substances Application:
Sigma Aldrich Research Biochemicals, Inc., 7924
Manufacturer of Controlled Substances Registration:
Cedarburg Pharmaceuticals, Inc., 7924–7925
Noramco Inc., 7925

Economic Development Administration
NOTICES
Solicitation of Applications:
FY 2009 University Center Economic Development Program Competition in EDA's Atlanta and Seattle Regional Offices, 7856–7860

Energy Department
See Federal Energy Regulatory Commission
See Western Area Power Administration
NOTICES
Meetings:
State Energy Advisory Board, 7882

Environmental Protection Agency
RULES
Extension of Deadline for Action on Section 126 Petition From Delaware, 7820–7823
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7889
Environmental Impact Statements; Availability, etc.:
Comments Availability, 7889–7890
Weekly Receipt; Filed 02/09/2009 Through 02/13/2009, 7890–7891
Meetings:
FIFRA Scientific Advisory Panel, 7891–7893

Equal Employment Opportunity Commission
PROPOSED RULES
Government in the Sunshine Act Regulations, 7843–7844
NOTICES
Meetings; Sunshine Act, 7893

Federal Aviation Administration
RULES
Airworthiness Directives:
Airbus Model A300, A310, and A300–600 Series Airplanes, 7804–7808
Airbus Model A300–600 Airplanes, 7792–7794
BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes, 7797–7801
Bombardier Model CL 600 2B19 (Regional Jet Series 100 & 440) Airplanes, 7789–7792

Cessna Aircraft Company Models 182Q and 182R Airplanes, 7808–7810
Construcciones Aeronauticas, S.A. (CASA), Model C–212–DF Airplanes, 7786–7789
Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB 145, et al. Airplanes, 7801–7804
PILATUS AIRCRAFT LTD. Model PC–12/47E Airplanes, 7810–7812
Turboshaft Engines; Pratt and Whitney Canada PW206A, PW206B, PW206B2, PW206C, PW206E, etc., 7794–7796
Turboshaft Engines; Turbomeca S.A. Models Arriel 1E2, 1S, and 1S1 Turboshaft Engines, 7796–7797
PROPOSED RULES
Airworthiness Directives:
Boeing Model 747 Airplanes, 7834–7836
General Electric Company (GE) CF6–80C2B5F Turbofan Engines, 7831–7833
Hamilton Sundstrand Propellers Model 247F Propellers, 7833–7834
Turbofan Engines; Pratt and Whitney Canada Corp. (P and WC) Models PW305A and PW305B, 7836–7838
NOTICES
Passenger Facility Charge (PFC) Approvals and Disapprovals, 7952–7955

Federal Communications Commission
PROPOSED RULES
Radio Broadcasting Services:
Mineral and Nevada City, CA, 7847–7848

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 7893–7894

Federal Energy Regulatory Commission
NOTICES
Combined Notice of Filings, 7882–7886

Federal Maritime Commission
NOTICES
Meetings; Sunshine Act, 7894

Federal Reserve System
RULES
Collection of Checks and Funds Availability, 7785–7786
NOTICES
Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities, 7894

Federal Trade Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7894–7904

Fish and Wildlife Service
NOTICES
Endangered and Threatened Wildlife and Plants:
5-Year Review of 10 Caribbean Plant Species, 7914–7915
Environmental Assessment; Intent, etc.:
Bogue Chitto National Wildlife Refuge, St. Tammany and Washington Parishes, LA, and Pearl River County, MS, 7913–7914

Food and Drug Administration
NOTICES
Draft Guidance for Industry on Influenza:
Developing Drugs for Treatment and/or Prophylaxis; Availability, 7908

Food Safety and Inspection Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7850–7851

Forest Service
NOTICES
Environmental Impact Statements; Intent:
Klamath National Forest, CA, Big Pony Project, 7853–7855
Klamath National Forest, CA, Two Bit Vegetation Management, 7851–7853

Health and Human Services Department
See Centers for Disease Control and Prevention
See Food and Drug Administration
See National Institutes of Health

Homeland Security Department
See Coast Guard
See U.S. Customs and Border Protection

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7912–7913
Federal Property Suitable as Facilities to House the Homeless, 7962–7991

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See Minerals Management Service
See National Park Service
See Reclamation Bureau

Internal Revenue Service
RULES
Disclosure of Return Information to the Bureau of Economic Analysis; Correction, 7814
NOTICES
Proposed Collection; Comment Request for Regulation Project, 7955–7958
Proposed Collection; Comment Request for Form 5310–A, 7956–7957

Justice Department
See Drug Enforcement Administration

Labor Department
See Labor-Management Standards Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7925–7926
Specific Delegation of Authority to the Deputy Assistant Secretary for Employment and Training, 7926

Labor-Management Standards Office
RULES
Labor Organization Annual Financial Reports, 7814–7816

Land Management Bureau
NOTICES
Idahos Coeur d'Alene District Resource Advisory Council; Call for Nominations, 7915
Meetings:
Joint Colorado Resource Advisory Council, 7916
Proposed Reinstatement of Terminated Oil and Gas Leases: Wyoming, 7916
Record of Decision:
Sunrise Powerlink Transmission Project, etc., 7916–7917

Minerals Management Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7917–7921

National Aeronautics and Space Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7926–7927
Centennial Challenges 2009 Power Beaming and Tether Challenges, 7927

National Institute of Standards and Technology
NOTICES
American Petroleum Institute's Standards Activities, 7860–7863
Measurement, Science and Engineering Research Grants Programs; Availability of Funds, 7863–7876

National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7908–7909
Meetings:
National Institute of Child Health and Human Development Initial Review Group, 7910
National Institute of General Medical Sciences Initial Review Group, 7909
National Institute on Aging, 7910

National Oceanic and Atmospheric Administration
RULES
Fisheries Off West Coast States:
Coastal Pelagic Species Fisheries; Annual Specifications, 7826–7829
Taking of Marine Mammals Incidental to Commercial Fishing Operations:
Atlantic Large Whale Take Reduction Plan, 7824–7826
PROPOSED RULES
Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic:
Commercial Black Sea Bass Pot Segment of the Snapper–Grouper Fishery off the Southern Atlantic States; Control Date, 7848–7849
Commercial Golden Tilefish Segment of the Snapper–Grouper Fishery off the Southern Atlantic States; Control Date, 7849
NOTICES
Atlantic Coastal Fisheries Cooperative Management Act Provisions:
Application for Exempted Fishing Permits, 7876–7877
Availability of Grants Funds for Fiscal Year 2009; Amendment, 7877–7879
Endangered and Threatened Species; Take of Anadromous Fish, 7879–7880
Fisheries of the Northeastern United States:
Monkfish Fishery; Scoping Process, 7880–7882

National Park Service
NOTICES
National Register of Historic Places:
Notification of Pending Nominations and Related Actions, 7921
Weekly Listing of Historic Properties, 7921–7922

National Science Foundation
NOTICES
Meetings:
Proposal Review Panel for Materials Research, 7927–7928

Nuclear Regulatory Commission
RULES
Protection of Safeguards Information; Correction, 7785
NOTICES
Advisory Committee on the Medical Uses of Isotopes; Call for Nominations, 7928
Environmental Assessment, etc.:
Mary Washington College Facility, Fredericksburg, VA, 7929–7930
Order Prohibiting Involvement in NRC-Licensed Activities:
Dhiraj Soni, 7930–7932
Himat Soni, 7932–7934
Order, Hearing, and Opportunity to Petition for Leave to Intervene:
South Texas Project Nuclear Operating Co., 7934–7938

Personnel Management Office
RULES
Federal Employees Health Benefits Program Acquisition Regulation:
Miscellaneous Clarifications and Corrections, 7823–7824
Nonforeign Area Cost-of-Living Allowance Rates; 2007 Interim Adjustments:
Puerto Rico, 7777–7778

Pipeline and Hazardous Materials Safety Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7955

Postal Regulatory Commission
NOTICES
Competitive Products Price Changes, 7938–7939

Reclamation Bureau
NOTICES
Environmental Impact Statements; Availability, etc.:
Los Vaqueros Reservoir Expansion, Contra Costa County, CA, 7922–7923

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7939–7941
Self-Regulatory Organizations; Proposed Rule Changes:
Depository Trust Co., 7941–7943
NASDAQ Stock Market LLC, 7943–7945
New York Stock Exchange LLC, 7945–7952

Transportation Department
See Federal Aviation Administration
See Pipeline and Hazardous Materials Safety Administration

Treasury Department
See Internal Revenue Service

U.S. Customs and Border Protection
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 7910–7912

Veterans Affairs Department
NOTICES
Summary of Precedent Opinions of the General Counsel, 7958–7959

Western Area Power Administration
NOTICES
Record of Decision:
Interconnection for the Keystone Oil Pipeline Project, 7886–7889

Separate Parts In This Issue

Part II
Housing and Urban Development Department, 7962–7991

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

5 CFR
591 7777

7 CFR
916 7778
917 7778
932 7782

Proposed Rules:
981 7830
1216 7830

10 CFR
30 7785

12 CFR
229 7785

14 CFR
39 (10 documents) 7786, 7789, 7792, 7794, 7796, 7797, 7801, 7804, 7808, 7810

Proposed Rules:
39 (4 documents) ... 7831, 7833, 7834, 7836

17 CFR

Proposed Rules:
1 7838
30 7838
140 7838

24 CFR
4000 7812

26 CFR
301 7814

29 CFR
403 7814
408 7814

Proposed Rules:
1612 7843

33 CFR
117 (4 documents) 7816, 7817, 7818
165 7818

Proposed Rules:
117 7844

40 CFR
52 7820

47 CFR

Proposed Rules:
73 7847

48 CFR
1652 7823

50 CFR
229 7824
660 7826

Proposed Rules:
622 (2 documents) 7848, 7849

Rules and Regulations

Federal Register
Vol. 74, No. 33
Friday, February 20, 2009

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

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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 591

RIN 3206–AL65

Nonforeign Area Cost-of-Living Allowance Rates; 2007 Interim Adjustments: Puerto Rico

AGENCY: U.S. Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The U.S. Office of Personnel Management (OPM) is increasing the cost-of-living allowance (COLA) rate received by certain white-collar Federal and U.S. Postal Service employees in Puerto Rico. The increase is the result of interim adjustments OPM calculated based on relative Consumer Price Index differences between Puerto Rico and the Washington, DC, area. This increase raises the COLA rate for Puerto Rico from 13 percent to 14 percent.

DATES: *Effective date:* March 23, 2009. *Implementation date:* First day of the first pay period beginning on or after March 23, 2009.

FOR FURTHER INFORMATION CONTACT: J. Stanley Austin, (202) 606–2838; fax: (202) 606–4264; or e-mail: *COLA@opm.gov.*

SUPPLEMENTARY INFORMATION: Section 5941 of title 5, United States Code, authorizes Federal agencies to pay cost-of-living allowances (COLAs) to white-collar Federal and U.S. Postal Service employees stationed in Alaska, Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands (USVI). Executive Order 10000, as amended, delegates to the U.S. Office of Personnel Management the authority to administer nonforeign area COLAs and prescribes certain operational features of the program.

We conduct living-cost surveys in each allowance area and in the Washington, DC, area to determine whether, and to what degree, COLA area living costs are higher than those in the DC area. As required by section 591.223 of title 5, Code of Federal Regulations, we survey the Alaska, Pacific, and Caribbean COLA areas on a 3-year rotating basis, and the Washington, DC, area on an annual basis. We set COLA rates based on the results of these surveys. For areas not surveyed during a particular year, we compute interim adjustments to COLA rates based on the relative change in the Consumer Price Index (CPI) for the COLA area compared with the Washington, DC, area. (See 5 CFR 591.224–226.)

On August 25, 2008, at 73 FR 50174, we published a proposed rule for notice and comment in the **Federal Register** on our intention to increase the COLA rate for Puerto Rico and reduce the COLA rates for Anchorage, Fairbanks, and Juneau, Alaska, based on the 2007 interim adjustment calculations. Because 5 CFR 591.228(c) limits COLA rate reductions to 1 percentage point in a 12-month period, and we have a prior rate reduction scheduled for Anchorage, Fairbanks, and Juneau, we are implementing only the Puerto Rico rate increase at this time. We will address the Alaska area rate reductions, and comments received on these reductions, in a future **Federal Register** publication.

We received three comments in response to our proposed rule on the rate increase for Puerto Rico. Two of the commenters supported the rate increase. The third commenter wrote regarding locality pay for Puerto Rico. This issue is beyond the scope of these regulations.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Paperwork Reduction Act of 1995

This document does not provide for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 591

Government employees, Travel and transportation expenses, Wages.

Office of Personnel Management.

Kathie Ann Whipple,

Acting Director.

■ Accordingly, OPM amends subpart B of 5 CFR part 591 as follows:

PART 591—ALLOWANCES AND DIFFERENTIALS

Subpart B—Cost-of-Living Allowance and Post Differential—Nonforeign Areas

■ 1. The authority citation for subpart B of 5 CFR part 591 continues to read as follows:

Authority: 5 U.S.C. 5941; E.O. 10000, 3 CFR, 1943–1948 Comp., p. 792; and E.O. 12510, 3 CFR, 1985 Comp., p. 338.

■ 2. Revise appendix A of subpart B to read as follows:

Appendix A to Subpart B of Part 591—Places and Rates at Which Allowances Are Paid

This appendix lists the places approved for a cost-of-living allowance and shows the authorized allowance rate for each area. The allowance rate shown is paid as a percentage of an employee's rate of basic pay. The rates are subject to change based on the results of future surveys.

Geographic coverage	Allowance rate (percent)
State of Alaska:	
City of Anchorage and 80-kilometer (50-mile) radius by road	23
City of Fairbanks and 80-kilometer (50-mile) radius by road	23

Geographic coverage	Allowance rate (percent)
City of Juneau and 80-kilometer (50-mile) radius by road	23
Rest of the State	25
State of Hawaii:	
City and County of Honolulu	25
Hawaii County, Hawaii	18
County of Kauai	25
County of Maui and County of Kalawao	25
Territory of Guam and Commonwealth of the Northern Mariana Islands	25
Commonwealth of Puerto Rico	14
U.S. Virgin Islands	25

[FR Doc. E9–3676 Filed 2–19–09; 8:45 am]
BILLING CODE 6325–39–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 916 and 917

[Doc. No. AMS–FV–08–0108; FV09–916/917–1 IFR]

Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule changes the handling requirements applicable to well matured fruit covered under the nectarine and peach marketing orders (orders). The orders regulate the handling of nectarines and peaches grown in California and are administered locally by the Nectarine Administrative and Peach Commodity Committees (committees). This rule updates the variety-specific size requirements to reflect changes in commercially significant varieties. This will enable handlers to continue to ship fresh nectarines and peaches in a manner that meets consumer needs, increases returns to producers and handlers, and reflects current industry practices.

DATES: Effective February 21, 2009; comments received by April 21, 2009 will be considered prior to issuance of any final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938, or Internet: *http://www.regulations.gov.* All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection at the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet the address provided above.

FOR FURTHER INFORMATION CONTACT: Jennifer Garcia, Marketing Specialist, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906; or E-mail: *Jennifer.Garcia@ams.usda.gov* or *Kurt.Kimmel@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order Nos. 916 and 917, both as amended (7 CFR parts 916 and 917), regulating the handling of nectarines and peaches grown in California, respectively, hereinafter referred to as the ''orders.'' The orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule changes the handling requirements applicable to well matured fruit covered under the nectarine and peach orders. This rule updates the variety-specific size requirements to reflect changes in commercially significant varieties. These changes will enable handlers to continue to ship fresh nectarines and peaches in a manner that meets consumer needs, increases returns to producers and handlers, and reflects current industry practices.

Sections 916.52 and 917.41 of the orders provide authority for handling regulations for fresh California nectarines and peaches. The regulations may include grade, size, maturity, quality, pack, and container requirements. The orders also provide that whenever such requirements are in effect, the fruit subject to such regulation must be inspected by the Federal or Federal-State Inspection Service (Inspection Service) and

certified as meeting the applicable requirements.

The nectarine order has been in effect since 1939, and the peach program has been in effect since 1958. The orders have been used over the years to establish a quality control program that includes minimum grades, sizes, and maturity standards. That program has helped improve the quality of product moving from the farm to market, and has helped growers and handlers more effectively market their crops. Additionally, the orders have been used to ensure that only satisfactory quality nectarines and peaches reach the consumer. This has helped increase and maintain market demand over the years.

Sections 916.53 and 917.42 authorize the modification, suspension, or termination of regulations issued under §§ 916.52 and 917.41, respectively. Changes in regulations have been implemented to reflect changes in industry operating practices and to solve marketing problems as they arise. The committees meet whenever needed, but at least annually, to discuss the orders and the various regulations in effect and to determine if, or what, changes may be necessary to reflect industry needs. As a result, regulatory changes have been made numerous times over the years to address industry changes and to improve program operations.

Currently, handling requirements are in effect for nectarines and peaches packed in containers marked ''CA WELL MAT'' or ''California Well Matured.'' The term ''well matured'' is defined in the orders' rules and regulations, and has been used for many years by the industry to describe a level of maturity higher than the definition of ''mature'' in the United States Standards for Grades of Nectarines (7 CFR 51.3145 through 51.3160) and United States Standards for Grades of Peaches (7 CFR 51.1210 through 51.1223). Other handling requirements were suspended in 2007 to reduce handler inspection costs.

The committees met on November 25, 2008, and unanimously recommended that the handling requirements be revised for the 2009 season, which is expected to begin in April. No official crop estimate was available at the time of the committees' meetings because the nectarine and peach trees were dormant. The committees will recommend a crop estimate at their meetings in early spring.

Both orders provide authority (in §§ 916.52 and 917.41) to establish size requirements. Size regulations encourage producers to leave fruit on the tree longer, which improves both the size and maturity of the fruit. Acceptable fruit size provides greater consumer satisfaction and promotes repeat purchases, thereby increasing returns to producers and handlers. In addition, increased fruit size results in increased numbers of packed containers of nectarines and peaches per acre, which is also a benefit to producers and handlers.

Varieties recommended for specific size regulations have been reviewed and such recommendations are based on the specific characteristics of each variety. The committees conduct studies each season on the range of sizes attained by the regulated varieties and those varieties with the potential to become regulated, and determine whether revisions to the size requirements are appropriate.

Nectarines: Section 916.356 of the order's rules and regulations specifies minimum size requirements for fresh nectarines in paragraphs (a)(2) through (a)(9). This rule revises paragraphs (a)(3), (a)(4), and (a)(6) of § 916.356 to establish variety-specific minimum size requirements for 10 varieties of nectarines that were produced in commercially significant quantities of more than 10,000 containers for the first time during the 2008 season. This rule also removes the variety-specific minimum size requirements for four varieties of nectarines whose shipments fell below 5,000 containers during the 2008 season.

For example, one of the varieties recommended for addition to the variety-specific minimum size requirements is the Honey Rose variety of nectarines, recommended for regulation at a minimum size 84. A minimum size of 84 means that a packed standard lug box will contain not more than 84 nectarines. Studies of the size ranges attained by the Honey Rose variety revealed that 99.9 percent of the containers met the minimum size of 84 during the 2007 and 2008 seasons. Sizes ranged from size 30 to size 84, with 13.3 percent of the containers meeting the size 30, 17.9 percent meeting the size 40, 38.6 percent meeting the size 50, 25.1 percent meeting the size 60, 4.2 percent meeting the size 70, and 0.8 percent meeting the size 80 in the 2008 season.

A review of other varieties with the same harvesting period indicated that the Honey Rose variety was also comparable to those varieties in its size ranges for that time period. Discussions with handlers known to handle the variety confirm this information regarding minimum size and harvesting period, as well. Thus, the recommendation to place the Honey Rose variety in the variety-specific minimum size regulation at a minimum size 84 is appropriate. This recommendation results from size studies conducted over a two-year period.

Historical data such as this provides the committee with the information necessary to recommend the appropriate sizes at which to regulate various nectarine varieties. In addition, producers and handlers of the varieties affected are personally invited to comment when such size recommendations are deliberated. Producer and handler comments are also considered at both committee and subcommittee meetings when the staff receives such comments, either in writing or verbally.

For reasons similar to those discussed in the preceding paragraph, paragraph(a)(3) of § 916.356 is revised to include the Honey May and May Pearl(tm) nectarine varieties and paragraph (a)(6) of § 916.356 is revised to include the 15G225, Autumn Fire, Honey Rose, Neptune, Orange Honey, Red Bright, Ruby Bright, and Signature nectarine varieties.

This rule also revises paragraph (a)(4) of § 916.356 to remove the White Sun nectarine variety and paragraph (a)(6) of § 916.356 to remove the Arctic Gold, Flaming Red, and Prima Diamond VII nectarine varieties from the variety-specific minimum size requirements because fewer than 5,000 containers of each of these varieties were produced during the 2008 season. Nectarine varieties removed from the nectarine variety-specific minimum size requirements become subject to the non-listed variety size requirements specified in paragraphs (a)(7), (a)(8), and (a)(9) of § 916.356.

Peaches: Section 917.459 of the order's rules and regulations specifies minimum size requirements for fresh peaches in paragraphs (a)(2) through (a)(6), and paragraphs (b) and (c). This rule revises paragraphs (a)(2), (a)(3), (a)(5), and (a)(6) of § 917.459 to establish variety-specific minimum size requirements for seven peach varieties that were produced in commercially significant quantities of more than 10,000 containers for the first time during the 2008 season. This rule also removes the variety-specific minimum size requirements for five varieties of peaches whose shipments fell below 5,000 containers during the 2008 season.

For example, one of the varieties recommended for addition to the variety-specific minimum size requirements is the Spring Princess variety of peaches, which was

recommended for regulation at a minimum size 88. A minimum size of 88 means that a packed standard lug box contains not more than 88 peaches. Studies of the size ranges attained by the Spring Princess variety revealed that 100 percent of the containers met the minimum size of 96 during the 2007 and 2008 seasons. Sizes ranged from size 30 to size 80, with 4.7 percent of the containers meeting the size 30, 60.9 percent meeting the size 40, 16 percent meeting the size 50, 16.1 percent meeting the size 60, 2.1 percent meeting the size 70, and 0.2 percent meeting the size 80 in the 2008 season.

A review of other varieties with the same harvesting period indicated that the Spring Princess variety was also comparable to those varieties in its size ranges for that time period. Discussions with handlers known to pack the variety confirm this information regarding minimum size and the harvesting period, as well. Thus, the recommendation to place the Spring Princess variety in the variety-specific minimum size regulation at a minimum size 88 is appropriate.

Historical data such as this provides the committee with the information necessary to recommend the appropriate sizes at which to regulate various peach varieties. In addition, producers and handlers of the varieties affected are personally invited to comment when such size recommendations are deliberated. Producer and handler comments are also considered at committee meetings when the staff receives such comments, either in writing or verbally.

For reasons similar to those discussed in the preceding paragraph, paragraph (a)(3) of § 917.459 is revised to include the Spring Princess peach variety and paragraph (a)(6) of § 917.459 is revised to include the August Saturn, Autumn Jewel, Autumn Sun, Diamond Candy, Jasper Gem, and September Lady peach varieties.

This rule also revises paragraph (a)(2) of § 917.459 to remove the Supechsix peach variety; paragraph (a)(5) of § 917.459 to remove the Crimson Queen peach variety; and paragraph (a)(6) of § 917.459 to remove the Burpeachsixteen, Jasper Flame, and Princess Gayle peach varieties from the variety-specific minimum size requirements because less than 5,000 containers of each of these varieties was produced during the 2008 season. Peach varieties removed from the peach variety-specific minimum size requirements become subject to the non-listed variety size requirements specified in paragraphs (b) and (c) of § 917.459.

This rule also removes obsolete language from paragraph 6(iii) in § 917.459. That paragraph states that containers of peaches not mentioned in paragraphs (a)(6)(i) or (a)(6)(ii) of § 917.459 must contain not more than 66 peaches in a 16-pound sample or not more than 73 peaches if they are ''well matured.'' Currently only ''well matured'' fruit is regulated. The reference to ''not more than 66 peaches, or if the peaches are well matured'' was removed in 2007 (72 FR 18847). The language should be omitted from § 917.459.

The committees recommended these changes in the minimum size requirements based on a continuing review of the sizing and maturity relationships for these nectarine and peach varieties, and the consumer acceptance levels for various fruit sizes. This rule is designed to establish minimum size requirements for fresh nectarines and peaches consistent with expected crop and market conditions. This should help establish and maintain orderly marketing conditions for these fruits in the interests of producers, handlers, and consumers.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

Industry Information

There are approximately 120 California nectarine and peach handlers subject to regulation under the orders covering nectarines and peaches grown in California, and about 550 producers of these fruits in California. Small agricultural service firms, which include handlers, are defined by the Small Business Administration (SBA) (13 CFR 121.201) as those whose annual receipts are less than $7,000,000. Small agricultural producers are defined by the SBA as those having annual receipts of less than $750,000. A majority of these handlers and producers may be classified as small entities.

The committees' staff has estimated that there are fewer than 30 handlers in the industry who would not be considered small entities. For the 2008 season, the committees' staff estimated that the average handler price received was $9.00 per container or container equivalent of nectarines or peaches. A handler would have to ship at least 777,778 containers to have annual receipts of $7,000,000. Given data on shipments maintained by the committees' staff and the average handler price received during the 2008 season, the committees' staff estimates that small handlers represent approximately 78 percent of all the handlers within the industry.

The committees' staff has also estimated that fewer than 60 producers in the industry would not be considered small entities. For the 2008 season, the committees estimated the average producer price received was $4.25 per container or container equivalent for nectarines and peaches. A producer would have to produce at least 176,471 containers of nectarines and peaches to have annual receipts of $750,000. Given data maintained by the committees' staff and the average producer price received during the 2008 season, the committees' staff estimates that small producers represent more than 88 percent of the producers within the industry.

With an average producer price of $4.25 per container or container equivalent, and a combined packout of nectarines and peaches of 45,543,561 containers, the value of the 2008 packout is estimated to be $193,560,134. Dividing this total estimated grower revenue figure by the estimated number of producers (550) yields an estimate of average revenue per producer of about $351,928 from the sales of peaches and nectarines.

Under authority provided in §§ 916.52 and 917.41 of the orders, grade, size, maturity, pack, and container marking requirements are established for fresh shipments of California nectarines and peaches, respectively. Such requirements are in effect on a continuing basis.

Sections 916.356 and 917.459 of the orders' rules and regulations establish minimum sizes for various varieties of nectarines and peaches. This rule makes adjustments to the minimum sizes authorized for certain varieties of each commodity for the 2009 season. Minimum size regulations are put in place to encourage producers to leave fruit on the trees for a longer period of time, increasing both maturity and fruit size. Increased fruit size increases the number of packed containers per acre, and coupled with heightened maturity

levels, also provides greater consumer satisfaction, which in turn fosters repeat purchases that benefit producers and handlers alike.

Annual adjustments to minimum sizes of nectarines and peaches, such as these, are recommended by the committees based upon historical data, producer and handler information regarding sizes attained by different varieties, and trends in consumer purchases.

An alternative to such action would include not establishing minimum size regulations for these new varieties. Such an action, however, would be a significant departure from the committees' past practices and represent a significant change in the regulations as they currently exist. For these reasons, this alternative was not recommended.

The committees make recommendations regarding the revisions in handling requirements after considering all available information, including comments received by committee staff. At the meetings, the impact of and alternatives to these recommendations are deliberated. The committees consist of individual producers and handlers with many years of experience in the industry who are familiar with industry practices and trends. All committee meetings are open to the public and comments are widely solicited. In addition, minutes of all meetings are distributed to committee members and others who have requested them, and are also available on the committees' website, thereby increasing the availability of this critical information within the industry.

Regarding the impact of this action on the affected entities, both large and small entities are expected to benefit from the changes, and the costs of compliance are not expected to be significantly different between large and small entities.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large nectarine and peach handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

In addition, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Further, the committees' meetings were widely publicized throughout the nectarine and peach industry and all interested parties were invited to attend the meetings and participate in committee deliberations. Like all committee meetings, the November 25, 2008, meetings were public meetings and all entities, both large and small, were able to express their views on this issue.

Also, the committees have a number of appointed subcommittees to review certain issues and make recommendations to the committees. The committees' Tree Fruit Quality Subcommittee met on October 29, 2008, and discussed this issue in detail. That meeting was also a public meeting and both large and small entities were able to participate and express their views. Finally, interested persons are invited to submit comments on this interim final rule, including the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at the following Web site: *http://www.ams.usda.gov/AMSv1.0/ams.fetchTemplateData.do?template=TemplateN&page=MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

This rule invites comments on changes to the handling requirements currently prescribed under the marketing orders for California fresh nectarines and peaches. Any comments timely received will be considered prior to finalization of this rule.

After consideration of all relevant material presented, including the committees' recommendation, and other information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This rule should be implemented as soon as possible, since shipments of California nectarines and peaches are expected to begin in early April; (2) the committees met and unanimously recommended these changes at public meetings, and interested persons had opportunities to provide input at all those meetings; and (3) the rule provides a 60-day comment period, and any written comments timely received will be considered prior to any finalization of this rule.

List of Subjects

7 CFR Part 916

Marketing agreements, Nectarines, Reporting and recordkeeping requirements.

7 CFR Part 917

Marketing agreements, Peaches, Pears, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR parts 916 and 917 are amended as follows:

■ 1. The authority citation for 7 CFR parts 916 and 917 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 916—NECTARINES GROWN IN CALIFORNIA

■ 2. Section 916.356 is amended by revising the introductory text of paragraphs (a)(3), (a)(4), and (a)(6) to read as follows:

§ 916.356 California nectarine grade and size regulation.

(a) * * *

(3) Any package or container of Mayglo variety of nectarines on or after May 6 of each year, or Burnectfive (Spring Flare® 21), Burnectten (Spring Flare® 19), Crimson Baby, Earliglo, Honey May, May Pearl ™, Polar Ice, Polar Light, Red Jewel or Zee Fire variety nectarines unless:

* * * * *

(4) Any package or container of Arctic Star, Burnectone (Spring Ray®), Burnecttwelve (Sweet Flair® 21), Burnectthirteen (Snow Flare® 22), Burnectfourteen (Snow Flare® 21), Diamond Bright, Diamond Pearl, Early Pearl, Gee Sweet, June Pearl, Kay Fire, Kay Glo, Kay Sweet, Prima Diamond IV, Prima Diamond VI, Prima Diamond XIII, Prince Jim, Prince Jim 1, Red Roy, Rose Bright, Rose Diamond, Royal Glo, or Zee Grand variety nectarines unless:

* * * * *

(6) Any package or container of 15G225, Alta Red, Arctic Belle, Arctic Blaze, Arctic Ice, Arctic Jay, Arctic Mist, Arctic Pride, Arctic Queen, Arctic Snow (White Jewel), Arctic Sweet, August Bright, August Fire, August Glo, August Lion, August Pearl, August Red, August Sweet, Autumn Blaze, Autumn Fire, Big Jim, Bright Pearl, Burnectfour (Summer Flare® 35), Burnectseven (Summer Flare® 28), Burnecteleven (Summer

Flare® 30), Burnectfifteen (Summer Flare® 27), Burnectseventeen (Summer Flare® 32), Candy Gold, Candy Pearl, Diamond Ray, Early Red Jim, Fire Pearl, Fire Sweet, Giant Pearl, Grand Bright, Grand Candy, Grand Pearl, Grand Sweet, Honey Blaze, Honey Dew, Honey Diva, Honey Fire, Honey Kist, Honey Rose, Honey Royale, July Pearl, July Red, Kay Pearl, La Pinta, La Reina, Larry's Red, Late Red Jim, Mike's Red, Neptune, Orange Honey, P–R Red, Prima Diamond IX, Prima Diamond X, Prima Diamond XIX, Prima Diamond XXIV, Prima Diamond XXVIII, Prince Jim 3, Red Bright, Red Diamond, Red Glen, Red Jim, Red Pearl, Regal Pearl, Regal Red, Royal Giant, Ruby Bright, Ruby Diamond, Ruby Pearl, Ruby Sweet, Saucer, September Bright (26P–490), September Free, September Red, Signature, Sparkling June, Spring Bright, Spring Pearl™, Spring Sweet, Sugar Pearl™, Sugarine, Summer Blush, Summer Bright, Summer Diamond, Summer Fire, Summer Jewel, Summer Lion, Summer Red, Sunburst, Sun Valley Sweet, Terra White, Zee Glo or Zephyr variety nectarines unless:

* * * * *

PART 917—FRESH PEARS AND PEACHES GROWN IN CALIFORNIA

■ 3. Section 917.459 is amended by revising the introductory text of paragraphs (a)(2), (a)(3), (a)(5), (a)(6), and by adding paragraph (a)(6)(iii) to read as follows:

§ 917.459 California peach grade and size regulation.

(a) * * *

(2) Any package or container of April Snow, Earlitreat, Snow Angel, Supechfifteen, or Super Lady variety peaches unless:

* * * * *

(3) Any package or container of Island Prince, Snow Kist, Snow Peak, Spring Princess, or Super Rich variety peaches unless:

* * * * *

(5) Any package or container of Babcock, Bev's Red, Bright Princess, Brittney Lane, Burpeachone (Spring Flame® 21), Burpeachfourteen (Spring Flame® 20), Burpeachnineteen (Spring Flame® 22), Candy Red, Crimson Lady, Crown Princess, David Sun, Early May Crest, Flavorcrest, Honey Sweet, Ivory Queen, June Lady, Magenta Queen, May Crest, May Sweet, Prima Peach IV, Queencrest, Rich May, Sauzee Queen, Scarlet Queen, Sierra Snow, Snow Brite, Springcrest, Spring Lady, Spring Snow, Springtreat (60EF32), Sugar Time (214LC68), Supecheight (012–094), Supechnine, Sweet Scarlet, Sweet Crest or Zee Diamond variety peaches unless:

* * * * *

(6) Any package or container of August Lady, August Saturn, Autumn Flame, Autumn Jewel, Autumn Red, Autumn Rich, Autumn Rose, Autumn Snow, Autumn Sun, Burpeachtwo (Henry II®), Burpeachthree (September Flame®), Burpeachfour (August Flame®), Burpeachfive (July Flame®), Burpeachsix (June Flame®), Burpeachseven (Summer Flame® 29), Burpeachfifteen (Summer Flame® 34), Burpeachtwenty (Summer Flame®), Burpeachtwentyone (Summer Flame® 26), Candy Princess, Coral Princess, Country Sweet, Diamond Candy, Diamond Princess, Earlirich, Early Elegant Lady, Elegant Lady, Fancy Lady, Fay Elberta, Full Moon, Galaxy, Glacier White, Henry III, Henry IV, Ice Princess, Ivory Princess, Jasper Gem, Jasper Treasure, Jillie White, Joanna Sweet, John Henry, Kaweah, Klondike, Last Tango, Natures #10, O'Henry, Peach-N-Cream, Pink Giant, Pink Moon, Prima Gattie 8, Prima Peach 13, Prima Peach XV, Prima Peach 20, Prima Peach 23, Prima Peach XXVII, Queen Jewel, Rich Lady, Royal Lady, Ruby Queen, Ryan Sun, Saturn (Donut), September Blaze, September Lady, September Snow, September Sun, Sierra Gem, Sierra Rich, Snow Beauty, Snow Blaze, Snow Fall, Snow Gem, Snow Giant, Snow Jewel, Snow King, Snow Magic, Snow Princess, Sprague Last Chance, Spring Candy, Strawberry, Sugar Crisp, Sugar Giant, Sugar Lady, Summer Dragon, Summer Fling, Summer Lady, Summer Sweet, Summer Zee, Sweet Blaze, Sweet Dream, Sweet Henry, Sweet Kay, Sweet September, Tra Zee, Valley Sweet, Vista, White Lady, or Zee Lady variety peaches unless:

* * * * *

(iii) Such peaches in any container when packed other than as specified in paragraphs (a)(6)(i) and (ii) of this section are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 73 peaches, except for Peento type peaches.

* * * * *

Dated: February 13, 2009.

David R. Shipman,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. E9–3585 Filed 2–19–09; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 932

[Doc. No. AMS–FV–08–0105; FV09–932–1 IFR]

Olives Grown in California; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule increases the assessment rate established for the California Olive Committee (committee) for the 2009 and subsequent fiscal years from $15.60 to $28.63 per assessable ton of olives handled. The committee locally administers the marketing order which regulates the handling of olives grown in California. Assessments upon olive handlers are used by the committee to fund reasonable and necessary expenses of the program. The fiscal year began January 1 and ends December 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Effective February 21, 2009. Comments received by April 21, 2009, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Jennifer R. Garcia, Marketing Specialist, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906; or E-mail:

Jennifer.Garcia@ams.usda.gov or *Kurt.Kimmel@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 148 and Order No. 932, both as amended (7 CFR part 932), regulating the handling of olives grown in California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California olive handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable olives beginning on January 1, 2009, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted there from. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule increases the assessment rate established for the committee for the 2009 and subsequent fiscal years from $15.60 to $28.63 per ton of assessable olives from the applicable crop years.

The California olive marketing order provides authority for the committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The fiscal year, which is the 12-month period between January 1 and December 31, begins after the corresponding crop year, which is the 12-month period beginning August 1 and ending July 31 of the subsequent year. Fiscal year budget and assessment recommendations are made after the corresponding crop year olive tonnage is reported. The members of the committee are producers and handlers of California olives. They are familiar with the committee's needs and with costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2008 and subsequent fiscal years, the committee recommended, and USDA approved, an assessment rate that would continue in effect from fiscal year to fiscal year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the committee or other information available to USDA.

The committee met on December 10, 2008, and unanimously recommended 2009 fiscal year expenditures of $1,482,349 and an assessment rate of $28.63 per ton of assessable olives. In comparison, last year's budgeted expenditures were $1,588,552. The assessment rate of $28.63 is $13.03 higher than the rate currently in effect. The committee recommended the higher assessment rate because the 2008–09 assessable olive receipts as reported by the California Agricultural Statistics Service (CASS) are only 49,067 tons, which compares to 108,059 tons in 2007–08. A series of very high temperatures and a large crop in 2007 contributed to a substantially smaller crop in 2008. The committee also plans to use available reserve funds to help meet its 2009 expenses.

The major expenditures recommended by the committee for the 2009 fiscal year include $495,000 for research, $627,800 for marketing activities, and $359,549 for administration. Budgeted expenditures for these items in 2008 were $500,000, $750,000, and $288,552, respectively. The 2009 marketing and research programs will be scaled back. Recommended increases in the administrative budget are due to additional costs associated with the anticipated hiring of a new Executive Director.

The assessment rate recommended by the committee was derived by considering anticipated fiscal year expenses, actual olive tonnage received by handlers during the 2008–09 crop year, and additional pertinent factors. Actual assessable tonnage for the 2009 fiscal year is expected to be lower than the 2008–09 crop receipts of 49,067 tons reported by the CASS because some olives may be diverted by handlers to uses that are exempt from marketing order requirements. Income derived from handler assessments, along with funds from the committee's authorized reserve and interest income, should be adequate to cover budgeted expenses. Funds in the reserve would be kept within the maximum permitted by the order of approximately one fiscal year's expenses (§ 932.40).

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the committee or other available information.

Although this assessment rate is effective for an indefinite period, the committee will continue to meet prior to or during each fiscal year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of committee meetings are available from the committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The committee's 2009 budget and those for subsequent fiscal years will be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are

unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 1,000 producers of olives in the production area and 2 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $7,000,000.

Based upon information from the committee, the majority of olive producers may be classified as small entities. Both of the handlers may be classified as large entities.

This rule increases the assessment rate established for the committee and collected from handlers for the 2009 and subsequent fiscal years from $15.60 to $28.63 per ton of assessable olives. The committee unanimously recommended 2009 expenditures of $1,482,349 and an assessment rate of $28.63 per ton. The assessment rate of $28.63 is $13.03 higher than the 2008 rate. The higher assessment rate is necessary because assessable olive receipts for the 2008–09 crop year were reported by the CASS to be 49,067 tons, compared to 108,059 tons for the 2007–08 crop year. Actual assessable tonnage for the 2009 fiscal year is expected to be lower because some of the receipts may be diverted by handlers to exempt outlets on which assessments are not paid.

Income generated from the $28.63 per ton assessment rate should be adequate to meet this year's expenses when combined with funds from the authorized reserve and interest income. Funds in the reserve would be kept within the maximum permitted by the order of about one fiscal year's expenses (§ 932.40).

Expenditures recommended by the committee for the 2009 fiscal year include $495,000 for research, $627,800 for marketing activities, and $359,549 for administration. Budgeted expenditures for these items in 2008 were $500,000, $750,000, and $288,552, respectively. The 2009 marketing and research programs will be scaled back.

Prior to arriving at this budget, the committee considered information from various sources, such as the committee's Executive, Market Development, and Research Subcommittees. Alternate spending levels were discussed by these groups, based upon the relative value of various research and marketing projects to the olive industry and the reduced olive production. The assessment rate of $28.63 per ton of assessable olives was derived by considering anticipated expenses, the volume of assessable olives and additional pertinent factors.

A review of historical information indicates that the grower price for the 2008–09 crop year was approximately $1,109.47 per ton for canning fruit and $380.71 per ton for limited-use sizes, leaving the balance as unusable cull fruit. Approximately 84 percent of the total tonnage of olives received is canning fruit sizes and 11 percent is limited use sizes, leaving the balance as unusable cull fruit. Grower revenue on 49,067 total tons of canning and limited-use sizes would be $49,283,177 given the current grower prices for those sizes. Therefore, with an assessment rate increased from $15.60 to $28.63, the estimated assessment revenue is expected to be almost 3 percent of grower revenue.

This action increases the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. In addition, the committee's meeting was widely publicized throughout the California olive industry and all interested persons were invited to attend the meeting and participate in committee deliberations on all issues. Like all committee meetings, the December 10, 2008, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This action imposes no additional reporting or recordkeeping requirements on either small or large California olive handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/AMSv1.0/ams.fetchTemplateData.do?template=TemplateN&page=MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 2009 fiscal year began on January 1, 2009, and the marketing order requires that the rate of assessment for each fiscal year apply to all assessable olives handled during such fiscal year; (2) the committee needs sufficient funds to pay its expenses, which are incurred on a continuous basis; (3) handlers are aware of this action, which was discussed by the committee and unanimously recommended at a public meeting, and is similar to other assessment rate actions issued in past years; and (4) this interim final rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 932 is amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 932 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 932.230 is revised to read as follows:

§ 932.230 Assessment rate.

On and after January 1, 2009, an assessment rate of $28.63 per ton is established for California olives.

Dated: February 13, 2009.

David R. Shipman,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. E9–3596 Filed 2–19–09; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 30

[NRC–2005–0001]

RIN 3150–AH57

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 63546), 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 document is necessary to correct an erroneous amendatory instruction which resulted in duplicate paragraph designations.

DATES: The correction is effective February 23, 2009, the date the original rule becomes effective.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rulemaking, Directives and Editing Branch, Office of Administration, 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 63570, in the third column, instruction 13 is corrected to read as follows:

■ 13. In § 30.34, paragraph (l) is added to read as follows:

§ 30.34 Terms and conditions of licenses.

* * * * *

(l) Each licensee shall ensure that Safeguards Information is protected against unauthorized disclosure in accordance with the requirements in §§ 73.21 and 73.23 of this chapter, as applicable.

Dated at Rockville, Maryland, this 13th 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. E9–3629 Filed 2–19–09; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Regulation CC; Docket No. R–1352]

Availability of Funds and Collection of Checks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; technical amendment.

SUMMARY: The Board of Governors (Board) is amending the routing number guide to next-day availability checks and local checks in Regulation CC to delete the reference to the Baltimore branch office of the Federal Reserve Bank of Richmond and to reassign the Federal Reserve routing symbols currently listed under that office to the head office of the Federal Reserve Bank of Philadelphia. These amendments reflect the restructuring of check-processing operations within the Federal Reserve System.

DATES: The final rule will become effective on April 18, 2009.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. H. Yeganeh, Financial Services Manager (202/728–5801), or Joseph P. Baressi, Financial Services Project Leader (202/452–3959), Division of Reserve Bank Operations and Payment Systems; or Sophia H. Allison, Senior Counsel (202/452–3565), Legal Division. For users of Telecommunications Devices for the Deaf (TDD) only, contact 202/263–4869.

SUPPLEMENTARY INFORMATION: Regulation CC establishes the maximum period a depositary bank may wait between receiving a deposit and making the deposited funds available for withdrawal.[1] A depositary bank generally must provide faster availability for funds deposited by a ''local check'' than by a ''nonlocal check.'' A check is considered local if it is payable by or at or through a bank located in the same Federal Reserve check-processing region as the depositary bank.

Appendix A to Regulation CC contains a routing number guide that assists banks in identifying local and nonlocal banks and thereby determining the maximum permissible hold periods for most deposited checks. The appendix includes a list of each Federal Reserve check-processing office and the first four digits of the routing number, known as the Federal Reserve routing symbol, of each bank that is served by that office for check-processing purposes. Banks whose Federal Reserve routing symbols are grouped under the same office are in the same check-processing region and thus are local to one another.

On April 18, 2009, the Reserve Banks will transfer the check-processing operations of the Baltimore branch office of the Federal Reserve Bank of Richmond to the head office of the Federal Reserve Bank of Philadelphia. As a result of this change, some checks that are drawn on and deposited at banks located in the Baltimore and Philadelphia check-processing regions and that currently are nonlocal checks will become local checks subject to faster availability schedules. To assist banks in identifying local and nonlocal checks and making funds availability decisions, the Board is amending the list of routing symbols in appendix A associated with the Federal Reserve Banks of Richmond and Philadelphia to reflect the transfer of check-processing operations from the Baltimore branch office of the Federal Reserve Bank of Richmond to the head office of the Federal Reserve Bank of Philadelphia. To coincide with the effective date of the underlying check-processing changes, the amendments to appendix A are effective April 18, 2009. The Board is providing notice of the amendments at this time to give affected banks ample time to make any needed processing changes. Early notice also will enable affected banks to amend their availability schedules and related disclosures if necessary and provide their customers with notice of these changes.[2]

Administrative Procedure Act

The Board has not followed the provisions of 5 U.S.C. 553(b) relating to notice and public participation in connection with the adoption of the final rule. The revisions to appendix A are technical in nature and are required by the statutory and regulatory definitions of ''check-processing

[1] For purposes of Regulation CC, the term ''bank'' refers to any depository institution, including commercial banks, savings institutions, and credit unions.

[2] Section 229.18(e) of Regulation CC requires that banks notify account holders who are consumers within 30 days after implementing a change that improves the availability of funds.

region.'' Because there is no substantive change on which to seek public input, the Board has determined that the § 553(b) notice and comment procedures are unnecessary. In addition, the underlying consolidation of Federal Reserve Bank check-processing offices involves a matter relating to agency management, which is exempt from notice and comment procedures.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board has reviewed the final rule under authority delegated to the Board by the Office of Management and Budget. The technical amendment to appendix A of Regulation CC will delete the reference to the Baltimore branch office of the Federal Reserve Bank of Richmond and reassign the routing symbols listed under that office to the head office of the Federal Reserve Bank of Philadelphia. The depository institutions that are located in the affected check-processing regions and that include the routing numbers in their disclosure statements would be required to notify customers of the resulting change in availability under § 229.18(e). However, all paperwork collection procedures associated with Regulation CC already are in place, and the Board accordingly anticipates that no additional burden will be imposed as a result of this rulemaking.

List of Subjects in 12 CFR Part 229

Banks, Banking, Reporting and recordkeeping requirements.

Authority and Issuance

■ For the reasons set forth in the preamble, the Board is amending 12 CFR part 229 to read as follows:

PART 229—AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (REGULATION CC)

■ 1. The authority citation for part 229 continues to read as follows:

Authority: 12 U.S.C. 4001–4010, 12 U.S.C. 5001–5018.

■ 2. The Third and Fifth Federal Reserve District routing symbol lists in appendix A are amended by removing the headings and listings for the Fifth Federal Reserve District and revising the listings for the Third Federal Reserve District to read as follows:

Appendix A to Part 229—Routing Number Guide to Next-Day Availability Checks and Local Checks

* * * * *

Third Federal Reserve District

[Federal Reserve Bank of Philadelphia]

Head Office

0110 [1]	2110
0111	2111
0112	2112
0113	2113
0114	2114
0115	2115
0116	2116
0117	2117
0118	2118
0119	2119
0210	2210
0211	2211
0212	2212
0213	2213
0214	2214
0215	2215
0216	2216
0219	2219
0260	2260
0280	2280
0310	2310
0311	2311
0312	2312
0313	2313
0319	2319
0360	2360
0510	2510
0514	2514
0520	2520
0521	2521
0522	2522
0540	2540
0550	2550
0560	2560
0570	2570

* * * * *

By order of the Board of Governors of the Federal Reserve System, February 13, 2009.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E9–3547 Filed 2–19–09; 8:45 am]

BILLING CODE 6210–01–P

[1] The first two digits identify the bank's Federal Reserve District. For example, 01 identifies the First Federal Reserve District (Boston), and 12 identifies the Twelfth District (San Francisco). Adding 2 to the first digit denotes a thrift institution. For example, 21 identifies a thrift in the First District, and 32 denotes a thrift in the Twelfth District.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–1360; Directorate Identifier 2008–NM–075–AD; Amendment 39–15791; AD 2009–02–01]

RIN 2120–AA64

Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C–212–DF Airplanes

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

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain CASA Model C–212–DF airplanes. This AD requires a one-time conductivity inspection to determine the material used in manufacturing outer to center wing attachment fittings; and one-time inspections to detect cracks on affected fittings, and corrective action if necessary. This AD results from reports of cracks found in outer to center wing attachment fittings. We are issuing this AD to detect and correct cracks on the upper and lower fittings in both outer and center wings, which could result in reduced structural integrity of the airplane.

DATES: This AD becomes effective March 9, 2009.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of March 9, 2009.

We must receive comments on this AD by March 23, 2009.

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

- *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 AD, contact EADS–CASA, Military Transport Aircraft Division (MTAD), Integrated Customer Services (ICS), Technical Services, Avenida de Aragón

404, 28022 Madrid, Spain; telephone +34 91 585 55 84; fax +34 91 585 55 05; e-mail *MTA.TechnicalService@casa.eads.net;* Internet *http://www.eads.net.*

Examining the AD Docket

You may examine the AD docket 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 AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone 425–227–1112; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, notified us that an unsafe condition may exist on certain CASA Model C–212–DF airplanes. The EASA advises that cracks were discovered in outer to center wing attachment fittings during final assembly of a new production airplane and in some inspected airplanes already in service. The cracks were caused by a defective manufacturing process of the outer to center wing attachment fittings. This condition, if not detected and corrected, could result in reduced structural integrity of the airplane.

Relevant Service Information

CASA has issued Communication Letter COM 212–303, dated March 16, 2006. This communication letter describes procedures to determine the material used in the manufacture of outer to center wing attachment fittings.

CASA also has issued Communication Letter COM 212–301, Revision 1, dated March 4, 2006. This communication letter describes procedures for a high frequency eddy current inspection to detect cracks of the eight upper and lower fittings in both outer and center wings for both left-hand and right-hand sides of the airplane.

In addition, CASA has issued Communication Letter COM 212–302, Revision 1, dated March 17, 2006. This communication letter describes procedures for a low frequency eddy current inspection to detect cracks of the eight upper and lower fittings in both outer and center wings for both left-hand and right-hand sides of the airplane.

The EASA mandated the service information and issued emergency airworthiness directive (AD) 2006–0359–E, dated November 29, 2006 (referred to after this as ''the MCAI''), to ensure the continued airworthiness of these airplanes in the European Union.

The service bulletins do not specify a method for repairing or replacing wing attachment fittings. This AD requires replacing cracked fittings using a method approved by the FAA or EASA (or its delegated agent). In light of the type of repair that would be required to address the unsafe condition, and consistent with existing bilateral airworthiness agreements, we have determined that, for this AD, a repair approved by the FAA or EASA (or its delegated agent) is acceptable for compliance with this AD.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Therefore, we are issuing this AD to require determination of the material used in manufacturing outer to center wing attachment fittings; and one-time inspections to detect cracks on affected fittings, and corrective action if necessary. This AD requires accomplishing the actions specified in the service information described previously, except as discussed below.

Difference Between This AD and the MCAI

The compliance time specified in the EASA airworthiness directive is the effective date of the MCAI. We have determined that a compliance time of 10 flight hours is appropriate and will provide an acceptable level of safety.

Costs of Compliance

None of the airplanes affected by this action are on the U.S. Register. All airplanes affected by this AD are currently operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, we consider this AD necessary to ensure that the unsafe condition is addressed if any affected airplane is imported and placed on the U.S. Register in the future.

The following table provides the estimated costs to comply with this AD for any affected airplane that might be imported and placed on the U.S. Register in the future.

TABLE—ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts cost	Cost per airplane
Inspection	20	$80	None	$1,600

FAA's Determination of the Effective Date

No airplane affected by this AD is currently on the U.S. Register. Therefore, providing notice and opportunity for public comment is unnecessary before this AD is issued, and this AD may be made effective in less than 30 days after it is published in the **Federal Register**.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2008–1360; Directorate Identifier 2008-NM–075–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory,

economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because 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 about this AD.

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

For the reasons discussed above, I certify that the 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 AD and placed it in the AD docket. 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.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

2009–02–01 Construcciones Aeronauticas, S.A. (CASA): Amendment 39–15791. Docket No. FAA–2008–1360; Directorate Identifier 2008–NM–075–AD.

Effective Date

(a) This AD becomes effective March 9, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to CASA Model C–212–DF airplanes, certificated in any category, serial numbers 444 through 477, except for those airplanes on which CASA Alert All Operator Letter AOL 212–010, Revision 2, dated March 17, 2005, has been done on both upper and lower fittings in both outer and center wings for both left-hand and right-hand sides of the airplane.

Unsafe Condition

(d) This AD results from reports of cracks found in outer to center wing attachment fittings. We are issuing this AD to detect and correct cracks on the upper and lower fittings in both outer and center wings, which could result in reduced structural integrity of 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.

Inspection

(f) Within 10 flight hours after the effective date of this AD, do a high or low frequency eddy current inspection, as applicable, to determine the material used in the eight upper and lower fittings in both outer and center wings for both left-hand and right-hand sides of the airplane, in accordance with CASA Communication LetterCOM 212–303, dated March 16, 2006.

(1) If all fittings are verified to be made of 2024–T42 (L–3140–T42) alloy, no further action is required by this AD.

(2) For any fitting verified to be made of 7050–T7451 (L–3767–T7451) alloy, before further flight, perform high or low frequency eddy current inspections, as applicable, for cracks on the eight upper and lower fittings in both outer and center wings for both left-hand and right-hand sides of the airplane, in accordance with CASA Communication Letter COM 212–301, Revision 1, dated March 4, 2006; and CASA Communication Letter COM 212–302, Revision 1, dated March 17, 2006. If any crack is detected, before further flight, replace the affected fitting using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA) (or its delegated agent).

Alternative Methods of Compliance (AMOCs)

(g) The Manager, International Branch, ANM–116, 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: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone 425–227–1112; fax 425–227–1149. 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

(h) EASA airworthiness directive 2006–0359–E, dated November 29, 2006, also addresses the subject of this AD.

Material Incorporated by Reference

(i) You must use the service information contained in Table 1 of this AD to do the actions required by this AD, as applicable, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact EADS–CASA, Military Transport Aircraft Division (MTAD), Integrated Customer Services (ICS), Technical Services, Avenida de Aragón 404, 28022 Madrid, Spain; telephone +34 91 585 55 84; fax +34 91 585 55 05; e-mail *MTA.TechnicalService@casa.eads.net;* Internet *http://www.eads.net.*

(3) You may review copies of the service information that is incorporated by reference at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

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

TABLE 1—MATERIAL INCORPORATED BY REFERENCE

Service information	Revision level	Date
CASA Communication Letter COM 212–301	1	March 4, 2006.
CASA Communication Letter COM 212–302	1	March 17, 2006.
CASA Communication Letter COM 212–303	Original	March 16, 2006.

Issued in Renton, Washington, on December 28, 2008.

Linda Navarro,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–3261 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0130; Directorate Identifier 2008–NM–225–AD; Amendment 39–15817; AD 2009–04–11]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) Airplanes

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

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated 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:

The heating capability of several Angle Of Attack (AOA) transducer heating elements removed from in-service aircraft have been found to be below the minimum requirement. Also, it was discovered that a large number of AOA transducers repaired in an approved maintenance facility were not calibrated accurately.

Inaccurate calibration of the AOA transducer and/or degraded AOA transducer heating elements can result in early or late activation of the stall warning, stick shaker and stick pusher by the Stall Protection Computer (SPC).

* * * * *

The unsafe condition is reduced controllability of the airplane. This AD requires actions that are intended to address the unsafe condition described in the MCAI.

DATES: This AD becomes effective March 9, 2009.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of March 9, 2009.

We must receive comments on this AD by March 23, 2009.

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

- *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 W12–40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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 AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Wing Chan, Aerospace Engineer, Systems and Flight Test Branch, ANE–172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7311; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

The Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2008–35, dated December 22, 2008 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

The heating capability of several Angle Of Attack (AOA) transducer heating elements removed from in-service aircraft have been found to be below the minimum requirement. Also, it was discovered that a large number of AOA transducers repaired in an approved maintenance facility were not calibrated accurately.

Inaccurate calibration of the AOA transducer and/or degraded AOA transducer heating elements can result in early or late activation of the stall warning, stick shaker and stick pusher by the Stall Protection Computer (SPC).

This [Canadian] directive mandates a periodic inspection of the inrush current to verify the AOA heating capability and replacement of the inaccurately calibrated AOA transducers.

The unsafe condition is reduced controllability of the airplane. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Bombardier has issued Service Bulletin 601R–27–153, Revision A, dated December 16, 2008. 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 AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between the AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the

MCAI in order to follow FAA policies. Any such differences are highlighted in a NOTE within the AD.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because the risk of having a degraded transducer is higher with units that have more than 7,500 total flight hours accumulated. Degraded AOA transducers can result in inaccurate activation of the stall warning, stick shaker, or stick pusher, which could result in ineffective response to aerodynamic stall. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2009–0130; Directorate Identifier 2008–NM–225–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because 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 about this AD.

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

For the reasons discussed above, I certify this AD:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

2009–04–11 Bombardier, Inc. (Formerly Canadair): Amendment 39–15817. Docket No. FAA–2009–0130; Directorate Identifier 2008–NM–225–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective March 9, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, serial number 7003 and subsequent, certificated in any category, that are equipped with Thales angle of attack (AOA) transducers having part number 45150340 or C16258AA.

Subject

(d) Air Transport Association (ATA) of America Code 27: Flight controls.

Reason

(e) The mandatory continued airworthiness information (MCAI) states:

The heating capability of several Angle Of Attack (AOA) transducer heating elements removed from in-service aircraft have been found to be below the minimum requirement. Also, it was discovered that a large number of AOA transducers repaired in an approved maintenance facility were not calibrated accurately.

Inaccurate calibration of the AOA transducer and/or degraded AOA transducer heating elements can result in early or late activation of the stall warning, stick shaker and stick pusher by the Stall Protection Computer (SPC).

This [Canadian] directive mandates a periodic inspection of the inrush current to verify the AOA heating capability and replacement of the inaccurately calibrated AOA transducers.

The unsafe condition is reduced controllability of the airplane.

Actions and Compliance

(f) Unless already done, do the following actions:

(1) For airplanes equipped with a transducer having accumulated more than 7,500 total flight hours as of the effective date of this AD: Within 250 flight hours after the effective date of this AD, measure the inrush current of both AOA transducers in accordance with Part A of the Accomplishment Instructions of Bombardier Service Bulletin 601R–27–153, Revision A, dated December 16, 2008.

(i) If both AOA transducers are found to have an inrush current of 1.60 amps or more, repeat the measurement thereafter at intervals not to exceed the applicable interval specified in Table 1 of this AD. Do the measurement in accordance with Part A of the Accomplishment Instructions of Bombardier Service Bulletin 601R–27–153, Revision A, dated December 16, 2008.

TABLE 1—REPETITIVE MEASUREMENT INTERVALS

If the last inrush current measurement of the serviceable AOA transducer is—	Then repeat the measurement—
More than or equal to 1.90 amps	Within 2,000 flight hours after the last measurement.
More than or equal to 1.80 amps but less than 1.90 amps	Within 1,500 flight hours after the last measurement.
More than or equal to 1.70 amps but less than 1.80 amps	Within 1,000 flight hours after the last measurement.
More than or equal to 1.60 amps but less than 1.70 amps	Within 500 flight hours after the last measurement.

(ii) If one AOA transducer is found to have an inrush current below 1.60 amps, and the other AOA transducer is found to have an inrush current of 1.60 amps or more: Do the actions required by paragraphs (f)(1)(ii)(A) and (f)(1)(ii)(B) of this AD.

(A) For the AOA transducer having an inrush current of 1.60 amps or more: Repeat the measurement thereafter at intervals not to exceed the applicable interval specified in Table 1 of this AD. Do the measurement in accordance with Part A of the Accomplishment Instructions of Bombardier Service Bulletin 601R–27–153, Revision A, dated December 16, 2008.

(B) For the AOA transducer having an inrush current below 1.60 amps (''degraded'' transducer): Within 1,000 flight hours after the effective date of this AD, replace that transducer in accordance with Part C of the Accomplishment Instructions of Bombardier Service Bulletin 601R–27–153, Revision A, dated December 16, 2008. At the applicable time specified in Table 1 of this AD if the degraded transducer was replaced with a serviceable transducer, or within 2,000 flight hours after replacement if the degraded transducer was replaced with a new transducer, do the measurement for that replacement transducer and repeat the measurements thereafter at intervals not to exceed the applicable interval specified in Table 1 of this AD. Do the measurement in accordance with Part A of the Accomplishment Instructions of Bombardier Service Bulletin 601R–27–153, Revision A, dated December 16, 2008.

(iii) If both AOA transducers are found to have an inrush current below 1.60 amps, do the action specified in paragraph (f)(1)(iii)(A) or (f)(1)(iii)(B) of this AD.

(A) Before further flight, replace one of the degraded AOA transducers with a new or serviceable transducer; and replace the other degraded transducer with a new or serviceable transducer within 1,000 flight hours after the measurement required by paragraph (f)(1) of this AD; in accordance with Part C of the Accomplishment Instructions of Bombardier Service Bulletin 601R–27–153, Revision A, dated December 16, 2008. At the applicable time specified in Table 1 of this AD, if the degraded transducer was replaced with a serviceable transducer; or within 2,000 flight hours after replacement if the degraded transducer was replaced with a new transducer: Do the measurement for that replacement transducer and repeat the measurement thereafter at intervals not to exceed the applicable interval specified in Table 1 of this AD. Do the measurements in accordance with Part A of the Accomplishment Instructions of Bombardier Service Bulletin 601R–27–153, Revision A, dated December 16, 2008.

(B) Within 1,000 flight hours after the measurement required by paragraph (f) of this AD, replace both degraded AOA transducers with new or serviceable transducers in accordance with Part C of the Accomplishment Instructions of Bombardier Service Bulletin 601R–27–153, Revision A, dated December 16, 2008. Until the replacement is done, dispatch with two degraded AOA transducers is allowed, provided that the applicable Limitations section of the airplane flight manual (AFM) is revised to include the following statement or a copy of this AD is inserted into the applicable Limitations section of the AFM.

''Dispatch is allowed if:

(a) Operations are not conducted in visible moisture (including standing water and slush) in any form,

(b) Operations are not conducted in known or forecast icing conditions,

(c) Both Ice Detection Systems are operative; and,

(d) Operations are conducted in day VMC conditions only.''

After the replacement has been accomplished, the statement or the copy of this AD may be removed from the AFM. At the applicable time specified in Table 1 of this AD, if the degraded transducer was replaced with a serviceable transducer; or within 2,000 flight hours after replacement with a new transducer: Do the measurement for that replacement transducer and repeat the measurement thereafter at intervals not to exceed the applicable interval specified in Table 1 of this AD. Do the measurement in accordance with Part A of Accomplishment Instructions of Bombardier Service Bulletin 601R–27–153, Revision A, dated December 16, 2008.

(2) If, during any repetitive measurement required by paragraphs (f)(1)(i), (f)(1)(ii), and (f)(1)(iii) of this AD, any AOA transducer is found to have an inrush current below 1.60 amps, before further flight, replace that transducer in accordance with Part C of the Accomplishment Instructions of Bombardier Service Bulletin 601R–27–153, Revision A, dated December 16, 2008. At the applicable time specified in Table 1 of this AD, if the degraded transducer was replaced with a serviceable transducer; or within 2,000 flight hours after replacement if the degraded transducer was replaced with a new transducer: Do the measurement for that replacement transducer as specified in paragraph (f)(1)(ii)(B) of this AD and repeat the measurement thereafter at intervals not to exceed the applicable interval specified in Table 1 of this AD.

(3) Actions done before the effective date of this AD in accordance with Bombardier Service Bulletin 601R–27–153, dated October 17, 2008, are acceptable for compliance with the corresponding requirements of paragraphs (f)(1) and (f)(2) of this AD.

FAA AD Differences

Note 1: This AD differs from the MCAI and/or service information as follows: This AD does not require the following actions specified in the MCAI: the one-time inspection for serial numbers and on-condition replacement in Paragraph 1. of the MCAI, and the initial inspection compliance times for transducers with 7,500 or fewer flight hours as of the effective date of this AD in Paragraph 2. of the MCAI. The planned compliance times for those actions would allow enough time to provide notice and opportunity for prior public comment on the merits of those actions. Therefore, we are considering further rulemaking to address this issue.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, New York Aircraft Certification Office (ACO), 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: Wing Chan, Aerospace Engineer, Systems and Flight Test Branch, ANE–172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7311; fax (516) 794–5531. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector, as appropriate, or lacking a principal inspector, your local Flight Standards District Office.

(2) Airworthy Product: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) Reporting Requirements: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(h) Refer to MCAI Canadian Airworthiness Directive CF–2008–35, dated December 22, 2008; and Bombardier Service Bulletin 601R–27–153, Revision A, dated December 16, 2008; for related information.

Material Incorporated by Reference

(i) You must use Bombardier Service Bulletin 601R–27–153, Revision A, dated December 16, 2008, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Quebec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; e-mail *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.*

(3) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

(4) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–3262 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0613; Directorate Identifier 2008–NM–066-AD; Amendment 39–15794; AD 2009–02–04]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300–600 Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated 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:

One operator experienced failures of four Fuel Level Sensor-Amplifier (FLSA) and Multi Tank Indicators (MTI) units. FLSA and MTI failures have been identified as having been caused by incorrect connector sleeves material fitted to the MTI units.

Degradation of the electrical insulation sleeves of the Low-level indication lamps on the MTI on the flight deck can cause a short circuit that might result in high voltage being conveyed to the high and low level sensors in the outer tanks. This might cause the level sensor to heat above acceptable limits.

* * * * *

This action is necessary to prevent overheating of the fuel level sensors, which could result in a fuel tank explosion and consequent loss of the airplane. We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective March 27, 2009.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 27, 2009.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1138; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on June 6, 2008 (73 FR 32250). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

One operator experienced failures of four Fuel Level Sensor-Amplifier (FLSA) and Multi Tank Indicators (MTI) units. FLSA and MTI failures have been identified as having been caused by incorrect connector sleeves material fitted to the MTI units.

Degradation of the electrical insulation sleeves of the Low-level indication lamps on the MTI on the flight deck can cause a short circuit that might result in high voltage being conveyed to the high and low level sensors in the outer tanks. This might cause the level sensor to heat above acceptable limits.

For the reasons stated above, this Airworthiness Directive (AD) requires the accomplishment of wiring modifications to protect the FLSA and the Flight Warning Computers from 115V AC and 28V DC short circuits within the MTI.

This action is necessary to prevent overheating of the fuel level sensors, which could result in a fuel tank explosion and consequent loss of the airplane. You may obtain further information by examining the MCAI in the AD docket.

Actions Since NPRM Was Issued

Since we issued the NPRM, Airbus has issued Mandatory Service Bulletin A300–28A6096, Revision 02, dated July 4, 2008. In the NPRM, we referred to Airbus Mandatory Service Bulletin A300–28A6096, Revision 01, dated April 16, 2008, as the source of service information for doing the modification. The procedures in Airbus Mandatory Service Bulletin A300–28A6096, Revision 02, dated July 4, 2008, are essentially the same as those in Airbus Mandatory Service Bulletin A300–28A6096, Revision 01, dated April 16, 2008. Therefore, we have revised paragraph (f) of this AD to refer to Airbus Mandatory Service Bulletin A300–28A6096, Revision 02, dated July 4, 2008, as the appropriate source of service information for doing the modification, and to give credit for using Airbus Mandatory Service Bulletin A300–28A6096, Revision 01, dated April 16, 2008, for accomplishing the modification before the effective date of the AD.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

Request To Delay Issuance of AD

Air Transport Association (ATA), on behalf of its member American Airlines (AA), and UPS and FedEx ask that we delay issuance of the AD until the master minimum equipment list (MMEL) can be revised to support the low-level warning configuration. AA, UPS, and FedEx state that disconnection of the low-level warning for the left and right outer fuel tanks requires significant changes to the Airbus A300–600 MMEL. AA, UPS, and FedEx add that the current MMEL available to U.S. operators cannot support the disconnected low-level warning configuration; therefore, the AD should not be released until the MMEL has been revised.

We disagree with the commenter's request and rationale for delaying issuance of the AD. Revision 16 of the MMEL, dated October 2008, has been released and is available to U.S. operators. Revision 16 of the MMEL supports the low-level warning

configuration. Therefore, we have made no change to the AD in this regard.

Request To Extend Compliance Time

ATA, on behalf of its member AA, and UPS and FedEx ask that we revise the compliance time specified in the NPRM from 90 to 180 days to allow FAA approval of the air carrier's customized MEL after it has been revised, and to facilitate distribution.

We disagree with the commenters. As stated above, the revised MMEL has been released and is available to air carriers. We have determined that the 3-month compliance time specified in this AD is adequate to address the unsafe condition in a timely manner. We have made no change to the AD in this regard.

Request To Include Alternate Terminating Action

ATA on behalf of its member AA, and UPS and FedEx ask that the AD include alternative terminating action for operators that install multi-task indicators (MTIs) that have been modified per Smiths Service Bulletin 1410KID–28–468, and installed per Airbus Mandatory Service Bulletin A300–28–6101, dated June 4, 2008. AA and FedEx state that once the MTI is modified the unsafe condition specified in the NPRM will be addressed. UPS states that the improved sleeve installed per Airbus Mandatory Service Bulletin A300–28–6101, dated June 4, 2008, addresses the concerns in the NPRM.

We disagree with the commenters. Based on information provided by Airbus, Airbus Mandatory Service Bulletin A300–28–6101, dated June 4, 2008, does not contain a final fix for the unsafe condition specified in the AD. Airbus is currently developing two modifications that provide the final solution to address the unsafe condition identified in this AD. Once these modifications are developed, approved, and available, we might consider additional rulemaking which would terminate the AD requirements. We have made no change to the AD in this regard.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the change described previously. We determined that this change will not increase the economic burden on any operator or increase the scope of the AD.

Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow our FAA policies. Any such differences are highlighted in a NOTE within the AD.

Costs of Compliance

We estimate that this AD will affect 151 products of U.S. registry. We also estimate that it will take about 5 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $80 per work-hour. Required parts will cost about $0 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $60,400, or $400 per product.

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

For the reasons discussed above, I certify this AD:

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

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

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

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

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 the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is 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.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

2009–02–04 Airbus: Amendment 39–15794. FAA–2008–0613; Directorate Identifier 2008–NM–066–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective March 27, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Airbus Model A300–600 airplanes, certificated in any category; all certified models, all serial numbers.

Subject

(d) Air Transport Association (ATA) of America Code 28: Fuel.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

One operator experienced failures of four Fuel Level Sensor-Amplifier (FLSA) and Multi Tank Indicators (MTI) units. FLSA and MTI failures have been identified as having been caused by incorrect connector sleeves material fitted to the MTI units.

Degradation of the electrical insulation sleeves of the Low-level indication lamps on the MTI on the flight deck can cause a short circuit that might result in high voltage being conveyed to the high and low level sensors in the outer tanks. This might cause the level sensor to heat above acceptable limits.

For the reasons stated above, this Airworthiness Directive (AD) requires the accomplishment of wiring modifications to protect the FLSA and the Flight Warning Computers from 115V AC and 28V DC short circuits within the MTI.

This action is necessary to prevent overheating of the fuel level sensors, which could result in a fuel tank explosion and consequent loss of the airplane.

Actions and Compliance

(f) Unless already done, within 3 months after the effective date of this AD: Modify the wiring in the right-hand electronics rack in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–28A6096, Revision 02, dated July 4, 2008. Previous accomplishment of the modification before the effective date of this AD in accordance with Airbus Mandatory Service Bulletin A300–28A6096, dated October 19, 2007; or Revision 01, dated April 16, 2008; meets the requirements in this paragraph.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1138; fax (425) 227–1149. 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.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(h) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2008–0055, dated March 5, 2008, and Airbus Mandatory Service Bulletin A300–28A6096, Revision 02, dated July 4, 2008, for related information.

Material Incorporated by Reference

(i) You must use Airbus Mandatory Service Bulletin A300–28A6096, Revision 02, dated July 4, 2008, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Airbus SAS—EAW (Airworthiness Office), 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; *e-mail: account.airworth-eas@airbus.com*; Internet *http://www.airbus.com.*

(3) You may review copies of the service information that is incorporated by reference at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

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

Issued in Renton, Washington, on December 28, 2008.

Linda Navarro,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–3277 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0219; Directorate Identifier 2007–NE–46–AD; Amendment 39–15806; AD 2009–03–05]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Canada PW206A, PW206B, PW206B2, PW206C, PW206E, PW207C, PW207D, and PW207E Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This 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:

PW206 and PW207 compressor turbine (CT) disc bore areas may experience impact damage resulting from bending or fracture of the CT disc retaining nut. Damage of the CT disc bore area can reduce LCF capabilities of the CT disc, resulting in disc fracture.

We are issuing this AD to prevent damage to the CT disc bore area, which could result in possible uncontained failure of the engine and damage to the helicopter.

DATES: This AD becomes effective March 27, 2009. The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 27, 2009.

ADDRESSES: The Docket Operations office is located at Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: Ian Dargin, Aerospace Engineer, Engine Certification Office, FAA, Engine and 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:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That

NPRM was published in the **Federal Register** on June 25, 2008, (73 FR 35982). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

PW206 and PW207 compressor turbine (CT) disc bore areas may experience impact damage resulting from bending or fracture of the CT disc retaining nut. Damage of the CT disc bore area can reduce LCF capabilities of the CT disc, resulting in disc fracture.

Under high centrifugal loads, the CT disk retaining nut castellations might bend outward, then contact and mark the CT disk internal bore. Worldwide, a total of five events of CT nut damage and associated damage to the CT disk bore have been reported. A total of 195 out of 402 engines in the U.S. fleet have been inspected with two cases of CT nut damage and no findings of disk damage, to date. You may obtain further information by examining the MCAI in the AD docket.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

Differences Between This AD and the MCAI

Although the MCAI allows use of future revisions of PWC ASB PW200–72–A28280, we require the use of Revision 4 of that ASB.

Although the MCAI has a March 21, 2008 compliance date, we have changed the final rule from a December 21, 2008 compliance date to within 30 days after the effective date of the AD. This is based on a review of the risk assessment and the fleet inspection results to date.

Costs of Compliance

We estimate that this AD will affect 402 engines of U.S. registry. We also estimate that it will take 8 work-hours per product to comply with this AD. The average labor rate is $80 per work-hour. Required parts will cost about $500 per product. We expect that 1 disk on the remaining 207 engines will be replaced, at an estimated cost of $20,000. Based on these figures, we estimate the cost of the AD to U.S. operators to be $478,280. 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 AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

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

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

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

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

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 AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is provided 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.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

2009–03–05 Pratt Whitney Canada: Amendment 39–15806. Docket No. FAA–2007–0219; Directorate Identifier 2007–NE–46–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective March 27, 2009.

Affected ADs

(b) None.

Applicability

(c) This airworthiness directive (AD) applies to Pratt & Whitney Canada (PWC) PW206A, PW206B, PW206B2, PW206C, PW206E, PW207C, PW207D, and PW207E turboshaft engines.

(d) These engines are installed on, but not limited to, MD Explorer, Agusta S.p.A. A109, A109E, A109S, Bell Helicopter Textron Canada Limited 427, Bell 429, and Eurocopter Deutschland GmbH EC135 P1, and EC135 P2 helicopters.

(e) For engines that have been converted from one model to another, see Effectivity paragraph 1.A. of PWC Alert Service Bulletin (ASB) PW200–72–A28280, Revision 4, dated August 28, 2007.

Reason

(f) Transport Canada AD CF–2007–24R1, dated December 21, 2007, states:

PW206 and PW207 compressor turbine (CT) disc bore areas may experience impact damage resulting from bending or fracture of the CT disc retaining nut. Damage of the CT disc bore area can reduce LCF capabilities of the CT disc, resulting in disc fracture.

We are issuing this AD to prevent damage to the CT disc bore area, which could result in possible uncontained failure of the disc and damage to the helicopter.

Actions and Compliance

(g) Unless already done, do the following actions:

(1) For engines that have never had a shop visit and have accumulated 4,000 CT cycles or more since new; or for engines that accumulated 2,700 CT cycles or more since last shop visit, last CT disc inspection, or

incorporation of PWC SB PW200–72–28287; within 1,150 hours of engine operating time since April 28, 2006 (original issue date of Alert Service Bulletin (ASB) PW200–72–A28280), but not later than 30 days after the effective date of this AD, whichever occurs first, accomplish the following in accordance with PWC ASB PW200–72–A28280, Revision 4, dated August 28, 2007:

(i) Inspect the CT disc bore area for damage and if any damage is noticed, replace the CT disc before further flight.

(ii) Replace the existing CT disc retaining nut and associated hardware.

(2) For engines that have never had a shop visit and have accumulated less than 4,000 CT cycles since new, before the engine reaches 4,000 CT cycles or within 30 days after the effective date of this AD, whichever occurs later, accomplish the following in accordance with PWC ASB PW200–72–A28280, Revision 4, dated August 28, 2007:

(i) Inspect the CT disc bore area for damage and if any damage is noticed, replace the CT disc before further flight.

(ii) Replace the existing CT disc retaining nut and associated hardware.

(3) For engines that have accumulated fewer than 2,700 CT cycles since last shop visit, last CT disc inspection, or incorporation of PWC SB PW200–72–28287; before the engine reaches 2,700 CT cycles or within 30 days after the effective date of this AD, whichever occurs later, accomplish the following in accordance with PWC ASB PW200–72–A28280, Revision 4, dated August 28, 2007:

(i) Inspect the CT disc bore area for damage and if any damage is noticed, replace the CT disc before further flight.

(ii) Replace the existing CT disc retaining nut and associated hardware.

Previous Credit

(h) Inspection of the CT disc bore and replacement of the CT disc retaining nut using PWC ASB PW200–72–A28280, dated April 28, 2006, or Revision 1, dated May 11, 2006, or Revision 2, dated September 29, 2006, or Revision 3, dated December 11, 2006, before the effective date of this AD, meets the requirements of this AD.

Other FAA AD Provisions

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

Related Information

(j) Refer to Transport Canada Airworthiness Directive 2007–24R1, dated December 21, 2007, for related information.

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

Material Incorporated by Reference

(l) You must use Pratt & Whitney Canada Alert Service Bulletin (ASB) PW200–72–A28280, Revision 4, dated August 28, 2007 to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Pratt & Whitney Canada Corp., 1000 Marie-Victorin, Longueuil, Quebec, Canada J4G 1A1, telephone: (800) 268–8000.

(3) You may review copies at the FAA, New England Region, 12 New England Executive Park, Burlington, MA; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Burlington, Massachusetts, on January 29, 2009.

Peter A. White,

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

[FR Doc. E9–3046 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0681; Directorate Identifier 2008–NE–13–AD; Amendment 39–15805; AD 2009–03–04]

RIN 2120–AA64

Airworthiness Directives; Turbomeca S.A. Models Arriel 1E2, 1S, and 1S1 Turboshaft Engines

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This 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:

Turbomeca S.A. has informed EASA of a case of a ''red disk'' plug that has been actually installed on an engine which has been subsequently released for service operation. This engine experienced an in-service high pressure leak event (at the fuel pump outlet) due to cracking of this ''red disk'' plug. This leak could lead to in-flight flame-out and/or possibly a fire.

We are issuing this AD to prevent fuel leaks, which could result in a fire and damage to the helicopter.

DATES: This AD becomes effective March 27, 2009. The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 27, 2009.

ADDRESSES: The Docket Operations office is located at Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *james.lawrence@faa.gov*; telephone (781) 238–7176; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on June 25, 2008 (73 FR 35981). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

A plug adapted for engine bench testing (called ''red disk'' plug) and not approved for service operation, could inadvertently be installed on the engine Fuel Control Unit 3-way union, instead of the sealed plug approved for service operation.

Turbomeca S.A. has informed EASA of a case of a ''red disk'' plug that has been actually installed on an engine which has been subsequently released for service operation. This engine experienced an in-service high pressure leak event (at the fuel pump outlet) due to cracking of this ''red disk'' plug. This leak could lead to in-flight flame-out and/or possibly a fire.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

Costs of Compliance

Based on the service information, we estimate that this AD will affect about 179 products installed on helicopters of U.S. registry. We also estimate that it will take about 0.5 work-hour per product to comply with this AD. The average labor rate is $80 per work-hour. Required parts will cost about $14 per product. Based on these figures, we

estimate the cost of the AD on U.S. operators to be $9,666. 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 AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

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

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

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 AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is provided 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.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

2009–03–04 Turbomeca S.A.: Amendment 39–15805. Docket No. FAA–2008–0681; Directorate Identifier 2008–NE–13–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective March 27, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Turbomeca S.A. Models Arriel 1E2, 1S, and 1S1 turboshaft engines. These engines are installed on, but not limited to, Eurocopter Deutschland MBB–BK 117 series and Sikorsky S–76A series helicopters.

Reason

(d) Turbomeca S.A. has informed EASA of a case of a ''red disk'' plug that has been actually installed on an engine which has been subsequently released for service operation. This engine experienced an in-service high pressure leak event (at the fuel pump outlet) due to cracking of this ''red disk'' plug. This leak could lead to in-flight flame-out and/or possibly a fire.

We are issuing this AD to prevent fuel leaks, which could result in a fire and damage to the helicopter.

Actions and Compliance

(e) Unless already done, do the following actions.

(1) Within 100 operating hours from effective date of this AD, perform a one time inspection of the correct reference of the plug installed on the FCU 3-way union (9 932 30 706 0) and verify its torque to be set between 1.3 and 1.5 daN.m in accordance with Turbomeca Mandatory Service Bulletin 292 73 0817.

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 EASA Airworthiness Directive 2008–0014, dated January 17, 2008, for related information.

(h) Contact James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *james.lawrence@faa.gov*; telephone (781) 238–7176; fax (781) 238–7199, for more information about this AD.

Material Incorporated by Reference

(i) You must use Turbomeca Mandatory Service Bulletin 292 73 0817, Version C, dated March 13, 2008 to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Turbomeca, 40220 Tarnos, France; telephone 33 (0)5 59 74 40 00; telex 570 042; fax 33 (0)5 59 74 45 15.

(3) You may review copies at the FAA, New England Region, 12 New England Executive Park, Burlington, MA; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

Peter A. White,

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

[FR Doc. E9–3026 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0644; Directorate Identifier 2007–NM–321–AD; Amendment 39–15659; AD 2008–18–02]

RIN 2120–AA64

Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to all BAE Systems (Operations) Limited (Jetstream) Model 4101 airplanes. That AD currently requires repetitive tests for free

movement of the capsule/bearing of the nose landing gear (NLG), and related investigative and corrective actions. This new AD requires a modified test for free movement of the capsule/bearing of the NLG at reduced repeat intervals, and replacement of the NLG assembly with a modified assembly. This AD results from additional reports of the NLG failing to extend fully on an airplane that had been inspected in accordance with AD 2004–14–07. We are issuing this AD to prevent failure of the NLG to extend fully, which could result in reduced controllability of the airplane during landing.

DATES: This AD becomes effective March 27, 2009.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of March 27, 2009.

On August 13, 2004 (69 FR 41413, July 9, 2004), the Director of the Federal Register approved the incorporation by reference of BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 1, dated February 20, 2004.

ADDRESSES: For BAE Systems (Operations) Limited service information identified in this AD, contact BAE Systems Regional Aircraft, 13850 McLearen Road, Herndon, Virginia 20171; telephone 703–736–1080; e-mail *raebusiness@baesystems.com;* Internet *http://www.baesystems.com/Businesses/RegionalAircraft/index.htm.*

For APPH service information identified in this AD, contact APPH Ltd., Engineering Division, Unit 1, 8 Pembroke Court, Manor Park, Runcorn WA7 1TG, England; telephone +44 01928 532600; fax +44 01928 579626; e-mail *sales@apphltd.co.uk;* Internet *http://www.apph.co.uk/home.html.*

Examining the AD Docket

You may examine the AD docket 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 AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is the Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1175; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 2004–14–07, amendment 39–13716 (69 FR 41413, July 9, 2004). The existing AD applies to all BAE Systems (Operations) Limited (Jetstream) Model 4101 airplanes. That NPRM was published in the **Federal Register** on June 20, 2008 (73 FR 35089). That NPRM proposed to continue to require repetitive tests for free movement of the capsule/bearing of the nose landing gear (NLG), and related investigative and corrective actions. That NPRM also proposed to require a modified test for free movement of the capsule/bearing of the NLG at reduced repeat intervals, and replacement of the NLG assembly with a modified assembly.

Comments

We provided the public the opportunity to participate in the development of this AD. No comments have been received on the NPRM or on the determination of the cost to the public.

Explanation of Changes Made to This AD

This AD retains all of the proposed requirements of the NPRM. We have revised the format of this AD according to guidelines regarding service information references provided to us by the Office of the Federal Register. To meet those guidelines, we have removed paragraph (f), ''Service Bulletin References and Clarifications,'' and (f)(1), of the NPRM. We have, instead, spelled out the applicable service bulletin in each paragraph of this AD. As a result, the corresponding paragraph identifiers have changed in this AD, as listed in the table titled ''Revised Paragraph Identifiers.'' For clarity, we have also added certain paragraph headers to this AD.

REVISED PARAGRAPH IDENTIFIERS

Proposed requirement in the NPRM	Corresponding requirement in this AD
Paragraph (f)	removed.
Paragraph (f)(1)	removed.
Paragraph (f)(2)	paragraph (f).
Paragraph (f)(3)	paragraph (h).
Paragraph (f)(4)	paragraph (i).
Paragraph (f)(5)	paragraph (j).
Paragraph (f)(6)	paragraph (k).
Paragraph (f)(7)	paragraph (g).
Paragraph (g)	paragraph (l).
Paragraph (h)	paragraph (m).
Paragraph (i)	paragraph (n).
Paragraph (j)	paragraph (o).
Paragraph (k)	paragraph (p).
Paragraph (l)	paragraph (q).
Paragraph (m)	paragraph (r).
Paragraph (n)	paragraph (s).

Conclusion

We have carefully reviewed the available data, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Testing for free movement of the NLG capsule/bearing (required by AD 2004–14–07).	6	$80	$0	$480, per cleaning, lubrication, and inspection cycle.	7	$3,360, per cleaning, lubrication, and inspection cycle.

ESTIMATED COSTS—Continued

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Cleaning, lubrication, and inspecting for free movement of the NLG capsule/bearing (new required action).	6	80	10	$490, per cleaning, lubrication, and inspection cycle.	7	$3,430, per cleaning, lubrication, and inspection cycle.
NLG assembly replacement.	6	80	3,100	$3,580	7	$25,060.

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

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

(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) 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 AD and placed it in the AD docket. *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.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–13716 (69 FR 41413, July 9, 2004) and by adding the following new airworthiness directive (AD):

2008–18–02 BAE Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft): Amendment 39–15659. Docket No. FAA–2008–0644; Directorate Identifier 2007–NM–321–AD.

Effective Date

(a) This AD becomes effective March 27, 2009.

Affected ADs

(b) This AD supersedes AD 2004–14–07.

Applicability

(c) This AD applies to all BAE Systems (Operations) Limited Model Jetstream 4101 airplanes, certificated in any category.

Unsafe Condition

(d) This AD results from additional reports of the nose landing gear (NLG) failing to extend fully on an airplane that had been inspected in accordance with AD 2004–14–07. We are issuing this AD to prevent failure of the NLG to extend fully, which could result in reduced controllability of the airplane during landing.

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.

Restatement of the Requirements of AD 2004–14–07 (Reformatted)

Additional Sources of Service Information

(f) BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 1, dated February 20, 2004, refers to APPH Service Bulletin AIR83586–32–22, Revision 1, dated February 2004, as an additional source of service information for accomplishing the actions in BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 1, dated February 20, 2004. BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 3, dated March 30, 2007, refers to APPH Service Bulletin AIR83586–32–22, Revision 3, dated December 2006, as an additional source of service information for accomplishing the actions in BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 3, dated March 30, 2007.

(g) BAE Systems (Operations) Limited Service Bulletin J41–A32–084, dated November 30, 2005, refers to APPH Service Bulletin AIR83586–32–25, dated October 2005, as an additional source of service information for accomplishing the actions in BAE Systems (Operations) Limited Service Bulletin J41–A32–084, dated November 30, 2005.

Credit for Actions Done Using Previous Issues of the Service Information

(h) Actions accomplished before the effective date of this AD per the Accomplishment Instructions of BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, dated February 11, 2004; BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 1, dated February 20, 2004; or BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 2, dated November 25, 2005; are considered acceptable for the corresponding actions required by this AD. (BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 2, dated November 25, 2005, refers to APPH Service Bulletin AIR83586–32–22, Revision 2, dated October 2005, as an additional source of service information for accomplishing the actions in BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 2, dated November 25, 2005.)

Contacting the FAA Instead of the Manufacturer for Repair Instructions

(i) Where BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 1, dated February 20, 2004; BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 3, dated March 30, 2007; and APPH Service Bulletin AIR83586–32–22, Revision 1, dated February 2004; specify to contact BAE Systems or APPH for repair instructions: Before further flight, repair per a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; the Civil Aviation Authority (CAA) (or its delegated agent); or the European Aviation Safety Agency (EASA) (or its delegated agent).

Clarification of the Term "Flying Hours"

(j) Where the flow chart in BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 1, dated February 20, 2004; or BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 3, dated March 30, 2007; specifies "flying hours," for the purposes of this AD, this term means "flight hours."

Reporting Not Required by This AD

(k) Where BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 1, dated February 20, 2004; or BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 3, dated March 30, 2007; specifies to complete a reporting form and return it to the manufacturer, this AD does not require that action.

Initial Test

(l) Within 300 flight cycles or 30 days after August 13, 2004 (the effective date of AD 2004–14–07), whichever occurs first: Perform a test for free movement of the NLG capsule/bearing, as specified in the flow chart following paragraph 1.M. of BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 1, dated February 20, 2004; or the flow chart following paragraph 1.N. of BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 3, dated March 30, 2007. After the effective date of this AD, only BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 3, dated March 30, 2007, may be used to perform the test for free movement. Do all of the actions per the Accomplishment Instructions of BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 1, dated February 20, 2004; or BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 3, dated March 30, 2007. After the effective date of this AD, only BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 3, dated March 30, 2007, may be used.

Note 1: As specified in the flow chart following paragraph 1.M. of BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 1, dated February 20, 2004, only the actions in paragraph 2.A. (Part 1) of the Accomplishment Instructions of APPH Service Bulletin AIR83586–32–22, Revision 1, dated February 2004, are required by paragraph (l) of this AD.

Related Investigative, Significant, and Corrective Actions

(m) Perform related investigative, significant, and corrective actions as specified in and at the compliance times specified in the flow chart following paragraph 1.M. of BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 1, dated February 20, 2004; or following paragraph 1.N. of BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 3, dated March 30, 2007. Do all of the actions per the Accomplishment Instructions of BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 1, dated February 20, 2004; or BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 3, dated March 30, 2007; except as provided by paragraph (k) of this AD. During any test, if the movement of the capsule/bearing is restricted, the applicable corrective actions must be accomplished before further flight. After the effective date of this AD, only BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 3, dated March 30, 2007, may be used.

Parts Installation

(n) As of August 13, 2004, no person may install an NLG on any airplane unless it has been inspected in accordance with the requirements of paragraphs (l) and (m) of this AD.

New Requirements of This AD

Repetitive Cleanings, Lubrications, and Inspections for Free Movement of the NLG Capsule

(o) Within 400 flight hours after the effective date of this AD, or within 800 flight hours after the last test done in accordance with paragraph (l) of this AD, whichever is later, but not exceeding 3,000 flight hours after the last test done in accordance with paragraph (l) of this AD; and before further flight after each scheduled or unscheduled NLG replacement: Clean, lubricate, and inspect for free movement of the NLG capsule/bearing in accordance with the Accomplishment Instructions and the flow chart provided in paragraph 1.N. of BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 3, dated March 30, 2007.

(1) For NLG capsules that have adequate free movement: At the applicable interval specified in paragraphs (o)(1)(i) and (o)(1)(ii) of this AD, repeat the cleaning, lubrication, and inspection for free movement of the NLG capsule/bearing, in accordance with the Accomplishment Instructions and the flow chart provided in paragraph 1.N. of BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 3, dated March 30, 2007.

(i) For airplanes on which the modification specified in BAE Systems (Operations) Limited Service Bulletin J41–A32–084, dated November 30, 2005 (Modification JM41670), has not been accomplished, repeat the actions specified in paragraph (o)(1) of this AD at intervals not to exceed 800 flight hours after the last inspection done in accordance with paragraph (o) of this AD.

(ii) For airplanes on which the modification specified in BAE Systems (Operations) Limited Service Bulletin J41–A32–084, dated November 30, 2005 (Modification JM41670), has been accomplished, repeat the actions specified in paragraph (o)(1) of this AD at intervals not to exceed 3,000 flight hours after the last inspection done in accordance with paragraph (o) of this AD.

(2) For NLG capsules that do not have adequate free movement: Before further flight, replace the NLG assembly with a serviceable assembly in accordance with the Accomplishment Instructions and the flow chart provided in paragraph 1.N. of BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 3, dated March 30, 2007. Thereafter, repeat the actions specified in paragraph (o) of this AD at the applicable interval specified in paragraph (o)(1) of this AD.

Replace the NLG Assembly With a Modified NLG Assembly

(p) Within 48 months after the effective date of this AD: Replace the NLG assembly with a modified assembly, in accordance with BAE Systems (Operations) Limited Service Bulletin J41–32–084, dated November 30, 2005. Thereafter, repeat the actions specified in paragraph (o) of this AD at the applicable interval specified in paragraph (o)(1) of this AD.

Parts Installation

(q) As of the effective date of this AD, no person may install a NLG on any airplane unless it has been inspected in accordance with paragraph (o) of this AD.

Alternative Methods of Compliance (AMOCs)

(r) The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1175; fax (425) 227–1149. 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

(s) European Aviation Safety Agency airworthiness directive 2006–0131, dated May 18, 2006, also addresses the subject of this AD.

Material Incorporated by Reference

(t) You must use the applicable service information specified in Table 1 of this AD to perform the actions that are required by this AD, unless the AD specifies otherwise.

TABLE 1—ALL MATERIAL INCORPORATED BY REFERENCE

Service information	Revision level	Date
APPH Service Bulletin AIR83586–32–22	1	February 2004.
APPH Service Bulletin AIR83586–32–22	3	December 2006.
APPH Service Bulletin AIR83586–32–25	Original	October 2005.
BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082	1	February 20, 2004.
BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082	3	March 30, 2007.
BAE Systems (Operations) Limited Service Bulletin J41–32–084	Original	November 30, 2005.

(1) The Director of the Federal Register approved the incorporation by reference of service information specified in Table 2 of this AD; in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

TABLE 2—NEW MATERIAL INCORPORATED BY REFERENCE

Service information	Revision level	Date
APPH Service Bulletin AIR83586–32–22	1	February 2004.
APPH Service Bulletin AIR83586–32–22	3	December 2006.
APPH Service Bulletin AIR83586–32–25	Original	October 2005.
BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082	3	March 30, 2007.
BAE Systems (Operations) Limited Service Bulletin J41–32–084	Original	November 30, 2005.

(2) On August 13, 2004 (69 FR 41413, July 9, 2004), the Director of the Federal Register approved the incorporation by reference of BAE Systems (Operations) Limited Alert Service Bulletin J41–A32–082, Revision 1, dated February 20, 2004.

(3) For service information identified in this AD, contact the following manufacturers, as applicable.

(i) BAE Systems Regional Aircraft, 13850 McLearen Road, Herndon, Virginia 20171; telephone 703–736–1080; e-mail *raebusiness@baesystems.com;* Internet *http://www.baesystems.com/Businesses/RegionalAircraft/index.htm.*

(ii) APPH Ltd., Engineering Division, Unit 1, 8 Pembroke Court, Manor Park, Runcorn WA7 1TG, England; telephone +44 01928 532600; fax +44 01928 579626; e-mail *sales@apphltd.co.uk;* Internet *http://www.apph.co.uk/home.html.*

(4) You may review copies of the service information that is incorporated by reference at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

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

Issued in Renton, Washington, on January 9, 2009.

Stephen P. Boyd,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–3265 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0271; Directorate Identifier 2007–NM–267–AD; Amendment 39–15784; AD 2009–01–05]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated 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:

Embraer has issued the Service Bulletin (SB) No. 145–00–0032 to provide instructions to modify the EMB–145 ( ) aircraft and allow operation with an increased Maximum Takeoff Weight (MTOW). Reassessment of the Damage Tolerance Analysis during development of the SB resulted in changes to the Airworthiness Limitation Items (ALI) for those modified aircraft to include new tasks and to revise some existing ones and its respective intervals.

Failure to inspect some structural components, according to the new tasks and intervals for those modified aircraft, could prevent a timely detection of fatigue cracking. Undetected fatigue cracking in these components could adversely affect the structural integrity of these airplanes.

* * * * *

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective March 27, 2009.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 27, 2009.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1405; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on March 13, 2008 (73 FR 13501). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

Embraer has issued the Service Bulletin (SB) No. 145–00–0032 to provide instructions to modify the EMB–145 () aircraft and allow operation with an increased Maximum Takeoff Weight (MTOW). Reassessment of the Damage Tolerance Analysis during development of the SB resulted in changes to the Airworthiness Limitation Items (ALI) for those modified aircraft to include new tasks and to revise some existing ones and its respective intervals.

Failure to inspect some structural components, according to the new tasks and intervals for those modified aircraft, could prevent a timely detection of fatigue cracking. Undetected fatigue cracking in these components could adversely affect the structural integrity of these airplanes.

* * * * *

The corrective action is revising the Airworthiness Limitations Section, Structural Inspection Requirements Section, and Corrosion Prevention and Control Program Section of the Instructions for Continued Airworthiness to incorporate new structural inspection requirements. You may obtain further information by examining the MCAI in the AD docket.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

Request for Changes to Airworthiness Limitation Items

ExpressJet Airlines identifies the following three issues regarding the Airworthiness Limitation Items (ALIs) specified in the NPRM:

(1) The tasks for the eddy current inspection of the aft upper landing gear trunnions show effectivity by trunnion part number, which leaves much to interpretation, especially since the illustrated parts catalog (IPC) gives the part numbers for the un-drilled trunnions. Embraer should supply the aircraft serial number for the effectivity since they should have this information available.

We acknowledge and agree with this request. Embraer is in the process of providing information on airplane effectivity for the specific trunnion part numbers. Embraer's goal is to ensure that this information is available to operators in Revision 12 of the Scheduled Maintenance Requirements Document (SMRD). If Revision 12 is not issued as of the effective date of this AD, operators may request an alternative method of compliance (AMOC) with the AD under the provisions of paragraph (g)(1) of this AD. We have made no change to the AD in this regard.

(2) There is too much left to interpretation for the ALIs. Several tasks have been renumbered in order to accommodate new intervals and effectivity with regard to the modification status or model type (e.g., 135ER, 145LR, 145XR). These new task numbers should have a note stating that they are equivalent to the original task number and that performing the inspection under the original task number meets the requirement. If this is not written into the NPRM then a task with a new number will have to be performed as if it were a new task, with no credit given for previous accomplishment.

We disagree with this request. Embraer states that the task equivalence between the former task and the new task can be verified in the Highlight section of the applicable Maintenance Review Board (MRB) Report revision (in this case Embraer temporary revision (TR) 10–5 dated May 23, 2007). We have made no change to the AD in this regard.

(3) Paragraph (f)(1) of the NPRM specifies revising the Instructions for Continued Airworthiness (ICAs) to include Section 4—Structural Inspection Requirements and Section 5—Corrosion Prevention and Control Program. This is in addition to including the ALI Section. The commenter believes that the intent is to ensure that operators include the ALIs in their maintenance program. The MRB report tasks from Sections 4 and 5 should not be mandated by this AD.

We disagree with this request. The AD does not mandate all of the tasks in Sections 4 and 5 of the complete MRB document. Operators are required to include only tasks specified in Sections 4 and 5 of Embraer EMB145 MRB Report MRB–145/1150, as identified in Embraer TR 10–5 in order to address the identified unsafe condition. We have made no change to the AD in this regard.

Request To Change the Applicability

Embraer recommends changing the applicability in the NPRM to specify airplanes on which Embraer Service Bulletin 145–00–0032, dated September 29, 2006; Revision 01, dated October 23, 2006; Revision 02, dated November 24, 2006; or Revision 03, dated March 5, 2007; has been incorporated. Operators that have incorporated Revision 04, dated December 10, 2007, or subsequent revisions of Embraer Service Bulletin 145–00–0032 should not be affected by this AD since information regarding updated Airworthiness Limitations Requirements is included in Revision 04 of the Service Bulletin.

We disagree with this recommendation. The applicability specified in paragraph (c) of this AD does not specify a date or revision level for the referenced service bulletin; therefore, the original issue and Revisions 01, 02, 03, and 04 are already included in the applicability. All applicable airplanes are required to revise the ALS. We have made no change to the AD in this regard.

Request To Change Note 2

Embraer recommends changing the language specified in Note 2 of the NPRM to exclude the phrase ''identical to that in TR 10–5,'' as this would mandate Embraer TR 10–5 for airplanes that have applied Embraer Service Bulletin 145–00–0032, even after the MRB report has been revised. Embraer adds that operators would be required to request AMOCs for every new revision, or even worse, would be prevented from implementing more restrictive time intervals that might be updated in future revisions. Embraer recommends accepting Revision 11 of the MRB report, which is already published, or subsequent MRB report revisions, as an alternative method of compliance. Revision 11 of the MRB report already includes information from Embraer TR 10–5. Embraer also recommends including information regarding maintenance plan intervals bridging, available in paragraph A2.3.2.1 of Appendix 2 of the MRB report, as an acceptable method to bridge these new intervals into operators' maintenance plans.

We agree that Note 2 of this AD should be changed for clarity; therefore, we have changed the language in Note 2 to exclude the phrase ''identical to that in TR 10–5.''

We do not agree to include information regarding maintenance plan intervals bridging in the AD. That paragraph is already included in Embraer TR 10–5; therefore, it is acceptable to include those provisions in the operators' maintenance plans. We have made no change to the AD in this regard.

Change to Final Rule

The MCAI does not provide an initial compliance time or grace period for doing the tasks. We have determined that the intent of the MCAI is for the initial compliance time to start from the initial delivery date of the airplane at the applicable time specified in the tasks or within 200 flight cycles after revising the ALS, whichever occurs later, in order to address the identified unsafe condition in a timely manner. We have changed paragraph (f)(1) of this AD to include those compliance times.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow our FAA policies. Any such differences are highlighted in a NOTE within the AD.

Costs of Compliance

We estimate that this AD will affect 572 products of U.S. registry. We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $80 per work-hour. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $45,760, or $80 per product.

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 AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. For the reasons discussed above, I certify this AD:

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

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

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 the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is 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.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

2009–01–05 Empresa Brasileira de Aeronautica S.A. (EMBRAER): Amendment 39–15784. Docket No. FAA–2008–0271; Directorate Identifier 2007–NM–267–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective March 27, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to EMBRAER Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes, certificated in any category, which have incorporated Embraer Service Bulletin 145–00–0032.

Note 1: This AD requires revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (g)(1) of this AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

Subject

(d) Air Transport Association (ATA) of America Code 53: Fuselage.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

Embraer has issued the Service Bulletin (SB) No. 145–00–0032 to provide instructions to modify the EMB–145 ( ) aircraft and allow operation with an increased Maximum Takeoff Weight (MTOW). Reassessment of the Damage Tolerance Analysis during development of the SB resulted in changes to the Airworthiness Limitation Items (ALI) for those modified aircraft to include new tasks and to revise some existing ones and its respective intervals.

Failure to inspect some structural components, according to the new tasks and intervals for those modified aircraft, could prevent a timely detection of fatigue cracking. Undetected fatigue cracking in these components could adversely affect the structural integrity of these airplanes.

* * * * *

The corrective action is revising the Airworthiness Limitations Section, Structural Inspection Requirements Section, and Corrosion Prevention and Control Program Section of the Instructions for Continued Airworthiness to incorporate new structural inspection requirements.

Actions and Compliance

(f) Unless already done, do the following actions.

(1) Within 60 days after the effective date of this AD: Revise the Airworthiness Limitations Section (ALS), Structural Inspection Requirements Section, and Corrosion Prevention and Control Program Section of the Instructions for Continued Airworthiness to incorporate the tasks specified in Appendix 2, ''Airworthiness Limitation Requirements,'' Section 4 ''Structural Inspection Requirements,'' and Section 5 ''Corrosion Prevention and Control Program,'' identified in Embraer Temporary Revision (TR) 10–5, dated May 23, 2007, of the Embraer EMB 145 Maintenance Review

Board (MRB) Report MRB–145/1150. The initial compliance times for the tasks start from the initial delivery date of the applicable airplane at the applicable time specified in the tasks or within 200 flight cycles after revising the ALS, whichever occurs later. Repeat the applicable inspection thereafter at the interval specified in Embraer TR 10–5 of the Embraer EMB 145 MRB Report MRB–145/1150; except as provided by paragraphs (f)(2) and (g)(1) of this AD.

Note 2: The actions required by paragraph (f)(1) of this AD may be done by inserting a copy of Embraer TR 10–5, dated May 23, 2007, into the sections. When this TR has been included in general revisions of the Embraer EMB 145 MRB Report MRB–145/1150, the general revisions may be inserted in the MRB report.

(2) After accomplishing the actions specified in paragraph (f)(1) of this AD, no alternative inspections or inspection intervals may be used, except as provided by paragraph (g)(1) of this AD.

FAA AD Differences

Note 3: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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: Sanjay Ralhan, Aerospace Engineer, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1405; fax (425) 227–1149. 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.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(h) Refer to MCAI Brazilian Airworthiness Directive 2007–07–01, effective August 21, 2007; and Embraer TR 10–5, dated May 23, 2007, to the Embraer EMB145 MRB Report MRB–145/1150; for related information.

Material Incorporated by Reference

(i) You must use Embraer Temporary Revision 10–5, dated May 23, 2007, to the Embraer EMB145 Maintenance Review Board Report MRB–145/1150, to do the actions required by this AD, unless the AD specifies otherwise. (Some pages of the document do not have the full document title.)

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—BRASIL; telephone: +55 12 3927–5852 or +55 12 3309–0732; fax: +55 12 3927–7546; e-mail: *distrib@embraer.com.br*; Internet: *http://www.flyembraer.com.*

(3) You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on November 4, 2008.

Stephen P. Boyd,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–3274 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0657; Directorate Identifier 2007–NM–296–AD; Amendment 39–15787; AD 2009–01–08]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to certain Airbus Model A300, A310, and A300–600 series airplanes. That AD currently requires repetitive detailed visual inspections to detect cracks in the pylon thrust and sideload fitting of the wing, and replacement of any cracked pylon thrust and sideload fitting with a new fitting. This new AD reduces the threshold and repetitive intervals for the detailed inspection for certain airplanes and reduces the applicability of the existing AD. This AD results from issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. We are issuing this AD to detect and correct cracks in the pylon thrust and sideload fitting of the wing, which could result in reduced structural integrity of the airplane.

DATES: This AD becomes effective March 27, 2009.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of March 27, 2009.

Examining the AD Docket

You may examine the AD docket 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 AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is the Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1138; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 98–16–11, amendment 39–10687 (63 FR 40816, July 31, 1998). The existing AD applies to certain Airbus Model A300, A310, and A300–600 series airplanes. That NPRM was published in the **Federal Register** on June 17, 2008 (73 FR 34224). That NPRM proposed to continue to require repetitive detailed visual inspections to detect cracks in the pylon thrust and sideload fitting of the wing, and replacement of any cracked pylon thrust and sideload fitting with a new fitting. That NPRM also proposed to require reducing the threshold and repetitive intervals for the detailed inspection for certain airplanes and would reduce the applicability of the existing AD.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received from the three commenters.

Request for Definition Paragraph

An anonymous commenter requests that we revise the NPRM to add a ''definitions'' paragraph since Table 2 and Table 3 of the NPRM refer to both the long range and short range Model A310–300 series airplanes. The commenter suggests defining the average flight times.

We do not agree. The Office of the Federal Register has approved the incorporation by reference of Airbus Mandatory Service Bulletin A310–57–2075, Revision 03, dated December 1, 2006. Therefore, we have determined that it is not necessary to incorporate a definitions paragraph since paragraph 1.E. of this service bulletin includes an explanation of short-range and long-range airplanes, and their average flight times. We have not changed the final rule regarding this issue.

Request To Mandate the Inspection Section of the Service Bulletins

Air Transport Association, on behalf of American Airlines (AA), requests that, since the safety issue is detecting cracks in the fitting, the AD should mandate only the ''inspection section'' of Airbus Mandatory Service Bulletin A300–57–0232, Revision 02, dated February 21, 2000; Airbus Mandatory Service Bulletin A300–57–6079, Revision 04, dated February 21, 2000; and Airbus Mandatory Service Bulletin A310–57–2075, Revision 03, dated December 1, 2006; instead of the entire accomplishment instructions of these service bulletins. AA believes that mandating the ''inspection section'' would still correct the unsafe condition and allow operators to modify other steps as required, while maintaining a safe work environment.

We disagree. We are mandating the entire Accomplishment Instructions of these service bulletins because they include the inspection, repair, and other necessary instructions to correct the unsafe condition. Affected operators may request approval for an alternative method of compliance, under the provisions of paragraph (k) of the AD. We have not changed the final rule regarding this issue.

Request To Retain Inspection Requirements, Provide Terminating Action, and Provide Approval Authority

FedEx Express requests that we include the following requirements in the NPRM: Keep the current inspection method and interval if the airplane has not reached the design service goal (the economic impact will increase due to additional inspections); terminate the inspections if the pylon sideload fitting is replaced with a fitting made using improved manufacturing techniques; and provide an alternative means of compliance repair approval authority to the European Aviation Safety Agency (EASA) or its delegated agent.

We disagree with keeping the current inspection method and interval for airplanes that have not reached the design service goal because we have determined that the new intervals are necessary to address the unsafe condition. We have not changed the final rule regarding this issue.

We disagree with terminating the inspections if the pylon sideload fitting is replaced with a fitting made using improved manufacturing techniques. At this time we have not received sufficient information from the manufacturer or EASA to determine if the manufacturing techniques are adequate and the inspections can be terminated. We have not changed the final rule regarding this issue.

We agree with FedEx Express that, as a method of compliance with paragraph (g) of this AD, repair approval authority can be given to EASA or its delegated agent. Affected operators may request an optional approval method, under the provisions of paragraph (j) of the AD. We have changed the final rule regarding this issue.

Conclusion

We have carefully reviewed the available data, including the comments that have been received, and determined that air safety and the public interest require adopting the AD with the change described previously. We have determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

This AD affects about 164 Model A300, A310, and A300–600 series airplanes of U.S. registry. The inspections that are required by AD 98–16–11 and retained in this AD take about 3 work hours per airplane, at an average labor rate of $80 per work hour. Based on these figures, the estimated cost of the currently required actions is $39,360, or $240 per airplane, per inspection cycle.

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

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

(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) 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 AD and placed it in the AD docket. 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.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–10687 (63 FR 40816, July 31, 1998) and by adding

the following new airworthiness directive (AD):

2009–01–08 Airbus: Amendment 39–15787. Docket No. FAA–2008–0657; Directorate Identifier 2007–NM–296–AD.

Effective Date

(a) This AD becomes effective March 27, 2009.

Affected ADs

(b) This AD supersedes AD 98–16–11.

Applicability

(c) This AD applies to Airbus airplanes identified in Table 1 of this AD, certificated in any category.

TABLE 1—APPLICABILITY

Model—	As identified in Airbus Mandatory Service Bulletin—
(1) A300 series airplanes	A300–57–0232, Revision 02, dated February 21, 2000.
(2) A310 series airplanes	A310–57–2075, Revision 03, dated December 1, 2006.
(3) A300–600 series airplanes	A300–57–6079, Revision 04, dated February 21, 2000.

Unsafe Condition

(d) This AD results from issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. We are issuing this AD to detect and correct cracks in the pylon thrust and sideload fitting of the wing, which could result in reduced structural integrity of 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.

Requirements of AD 98–16–11:

Repetitive Detailed Inspections at Reduced Thresholds and Repeat Intervals for Certain Airplanes

(f) At the applicable time specified in paragraph (f)(1) or (f)(2) of this AD: Perform a detailed inspection to detect cracks in the pylon thrust and sideload fitting of the wing, in accordance with Airbus Service Bulletin A300–57–0232, Revision 01 (for Model A300 series airplanes); A310–57–2075, Revision 01 (for Model A310 series airplanes); or A300–57–6079, Revision 02 (for Model A300–600 series airplanes); all dated January 12, 1998; as applicable; except as provided by paragraph (h) of this AD.

(1) For Model A300 and A300–600 series airplanes: Inspect prior to the accumulation of 2,800 total flight cycles, or within 18 months after September 4, 1998 (the effective date AD 98–16–11), whichever occurs later, and thereafter at intervals not to exceed 2,800 flight cycles.

(2) For Model A310 series airplanes: Inspect at the earlier of the times specified in paragraph (f)(2)(i) and (f)(2)(ii) of this AD. Repeat thereafter at the applicable intervals specified in Table 3 of this AD.

(i) Prior to the accumulation of 2,800 total flight cycles, or within 18 months after September 4, 1998, whichever occurs later.

(ii) At the applicable time specified in Table 2 of this AD.

TABLE 2—REDUCED INSPECTION THRESHOLDS FOR MODEL A310 SERIES AIRPLANES

Model	Compliance time (whichever occurs later)	
	Threshold	Grace period
A310–200 series airplanes.	Before the accumulation of 1,500 total flight cycles or 3,000 total flight hours since first flight, whichever occurs first.	Within 800 flight cycles or 1,600 flight hours after the effective date of this AD, whichever occurs first.
A310–300 series airplanes (short range).	Before the accumulation of 1,300 total flight cycles or 3,800 total flight hours since first flight, whichever occurs first.	Within 800 flight cycles or 1,600 flight hours after the effective date of this AD, whichever occurs first.
A310–300 series airplanes (long range).	Before the accumulation of 800 total flight cycles or 4,000 total flight hours since first flight, whichever occurs first.	Within 800 flight cycles or 1,600 flight hours after the effective date of this AD, whichever occurs first.

TABLE 3—REDUCED REPEAT INTERVALS FOR MODEL A310 SERIES AIRPLANES

For Model—	Repeat the detailed inspection at the later of—	And, thereafter at intervals not to exceed—
A310–200 series airplanes.	Within 1,500 flight cycles or 3,000 flight hours since the last detailed inspection, whichever occurs first; or within 800 flight cycles or 1,600 flight hours after the effective date of this AD, whichever occurs first.	1,500 flight cycles or 3,000 flight hours, whichever occurs first.
A310–300 series airplanes (short range).	Within 1,300 flight cycles or 3,800 flight hours since the last detailed inspection, whichever occurs first; or within 800 flight cycles or 1,600 flight hours after the effective date of this AD, whichever occurs first.	1,300 flight cycles or 3,800 flight hours, whichever occurs first.
A310–300 series airplanes (long range).	Within 800 flight cycles or 4,000 flight hours since the last detailed inspection, whichever occurs first; or within 800 flight cycles or 1,600 flight hours after the effective date of this AD, whichever occurs first.	800 flight cycles or 4,000 flight hours, whichever occurs first.

Corrective Action

(g) If any crack is detected during any inspection required by paragraph (f) of this AD, prior to further flight, replace the pylon thrust and sideload fitting with a new fitting in accordance with Airbus Service Bulletin A300–57–0232, Revision 01 (for Model A300 series airplanes); A310–57–2075, Revision 01 (for Model A310 series airplanes); or A300–57–6079, Revision 02 (for Model A300–600 series airplanes); all dated January 12, 1998; as applicable; except as provided by paragraphs (h) and (j) of this AD.

New Actions Required by This AD:

New Service Information

(h) For all airplanes: As of the effective date of this AD, use only the Accomplishment Instructions of the applicable service bulletin specified in Table 4 of this AD to do the repetitive detailed inspections required by paragraph (f) of this AD and the replacement required by paragraph (g) of this AD.

TABLE 4—NEW SERVICE BULLETINS

Airbus mandatory Service Bulletin—	For model—
(1) A300–57–0232, Revision 02, dated February 21, 2000	A300 series airplanes.
(2) A300–57–6079, Revision 04, dated February 21, 2000	A300–600 series airplanes.
(3) A310–57–2075, Revision 03, dated December 1, 2006	A310 series airplanes.

(i) Actions done before the effective date of this AD in accordance with Airbus Service Bulletin A300–57–6079, Revision 02, dated January 12, 1998, or Revision 03, dated October 25, 1999 (for Model A300–600 series airplanes); A310–57–2075, Revision 01, dated January 12, 1998, or Revision 02, dated February 21, 2000 (for Model A310 series airplanes); or A300–57–0232, Revision 01, dated January 12, 1998 (for Model A300 series airplanes); are acceptable for compliance with the corresponding requirements of this AD.

Optional Approval Method

(j) Repairing the pylon thrust and sideload fitting of the wing, using a method approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA), or its delegated agent, is acceptable for compliance with the replacement required by paragraph (g) of this AD.

Alternative Methods of Compliance (AMOCs)

(k) The Manager, International Branch, ANM–116, 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1138; fax (425) 227–1149. 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

(l) EASA airworthiness directive 2007–0243, dated September 4, 2007, also addresses the subject of this AD.

Material Incorporated by Reference

(m) You must use service bulletins identified in Table 5 of this AD to do the actions required by this AD, as applicable, unless the AD specifies otherwise.

TABLE 5—ALL MATERIAL INCORPORATED BY REFERENCE

Airbus service information	Revision	Date
Airbus Mandatory Service Bulletin A300–57–0232	02	February 21, 2000.
Airbus Mandatory Service Bulletin A300–57–6079	04	February 21, 2000.
Airbus Mandatory Service Bulletin A310–57–2075	03	December 1, 2006.
Airbus Service Bulletin A300–57–0232	01	January 12, 1998.
Airbus Service Bulletin A300–57–6079	02	January 12, 1998.
Airbus Service Bulletin A310–57–2075	01	January 12, 1998.

(1) The Director of the Federal Register approved the incorporation by reference of the service bulletins identified in Table 6 of this AD in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

TABLE 6—NEW MATERIAL INCORPORATED BY REFERENCE

Airbus mandatory Service Bulletin—	Revision—	Dated—
A300–57–0232	02	February 21, 2000.
A300–57–6079	04	February 21, 2000.
A310–57–2075	03	December 1, 2006.

(2) On September 4, 1998 (63 FR 40816, July 31, 1998) the Director of the Federal Register approved the incorporation by reference of the service bulletins identified in Table 7 of this AD.

TABLE 7—MATERIAL PREVIOUSLY INCORPORATED BY REFERENCE

Airbus Service Bulletin—	Revision—	Dated—
A300–57–0232	01	January 12, 1998.
A310–57–2075	01	January 12, 1998.
A300–57–6079	02	January 12, 1998.

(3) For service information identified in this AD, contact Airbus SAS—EAW (Airworthiness Office), 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; e-mail: *account.airworth-*

eas@airbus.com; Internet *http://www.airbus.com.*

(4) You may review copies of the service information that is incorporated by reference at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

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

Issued in Renton, Washington, on December 18, 2008.

Stephen P. Boyd,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–3276 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–1205; Directorate Identifier 2008–CE–062–AD; Amendment 39–15811; AD 2009–04–05]

RIN 2120–AA64

Airworthiness Directives; Cessna Aircraft Company Models 182Q and 182R Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Cessna Aircraft Company (Cessna) Models 182Q and 182R airplanes that are equipped with Societé de Motorisations Aéronautiques (SMA) Aircraft Diesel Engine (ADE) Model SR305–230–1 or Model SR305–230 converted to Model SR305–230–1 installed under Supplemental Type Certificate (STC) SA03302AT. This AD requires you to remove the intercooler and the intercooler inlet and outlet hoses, install a reworked intercooler and new intercooler inlet and outlet hoses, inspect hoses and clamp torques, repetitively inspect installation of the intercooler outlet and inlet hose assemblies for any displacement or damage of clamps or hoses, and, if necessary, replace any damaged clamps or hoses. This AD results from a report of two instances of induction hose disconnection occurring while in service, resulting in a loss of turbo boost and a significant loss of engine power. We are issuing this AD to detect and correct improper intercooler outlet and intercooler inlet hose assembly installations, which could result in loss of turbo boost and a significant loss of engine power. This failure could lead to an inability to maintain constant altitude in flight.

DATES: This AD becomes effective on March 27, 2009.

On March 27, 2009, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

ADDRESSES: For service information identified in this AD, contact SMA Customer Service, 10–12 Rue Didier Daurat, 18021 Bourges, France; *telephone:* +33 (0) 2 48 67 56 00; fax: +33 (0) 2 48 50 01 41; *E-mail: customer_services@smasr.com*; Internet: *http://www.smaengines.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.* The docket number is FAA–2008–1205; Directorate Identifier 2008–CE–062–AD.

FOR FURTHER INFORMATION CONTACT: Don O. Young, Aerospace Engineer, ACE–118A, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Blvd., Suite 450, Atlanta, Georgia 30349; *telephone:* (770) 703–6079; fax: (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Discussion

On November 6, 2008, we issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Cessna Models 182Q and 182R airplanes that are equipped with SMA ADE Model SR305–230–1 or Model SR305–230 converted to Model SR305–230–1 installed under STC SA03302AT. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 13, 2008 (73 FR 67112). The NPRM proposed to require you to remove the intercooler and the intercooler inlet and outlet hoses, install a reworked intercooler and new intercooler inlet and outlet hoses, inspect hoses and clamp torques, repetitively inspect installation of the intercooler outlet and inlet hose assemblies for any displacement or damage of clamps or hoses, and, if necessary, replace any damaged clamps or hoses.

Comments

We provided the public the opportunity to participate in developing this AD. We received no comments on the proposal or on the determination of the cost to the public.

Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Costs of Compliance

We estimate that this AD affects 7 airplanes in the U.S. registry.

We estimate the following costs to do the replacements:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
4 work-hours × $80 per hour = $320	$3,436	$3,756	$26,292

We estimate the following costs to do any inspection of the installation of the intercooler hose assembly that would be required:

Labor cost	Parts cost	Total cost per airplane
2 work-hours × $80 per hour = $160	Not Applicable	$160

We have no way of determining the cost of any necessary replacement that may be required as a result of any inspection.

SMA will provide warranty credit as stated in SMA SAFRAN Group Service Bulletin SB–C182–75–004, Revision No. Basic Issue, dated July 8, 2008.

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 AD.

Regulatory Findings

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

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

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

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

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

We prepared a summary of the costs to comply with this AD (and other information as included in the Regulatory Evaluation) and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include ''Docket No. FAA–2008–1205; Directorate Identifier 2008–CE–062–AD'' in your request.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2009–04–05 Cessna Aircraft Company: Amendment 39–15811; Docket No. FAA–2008–1205; Directorate Identifier 2008–CE–062–AD.

Effective Date

(a) This AD becomes effective on March 27, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Models 182Q and 182R airplanes, all serial numbers, certificated in any category, that are equipped with:

(1) Societé de Motorisations Aéronautiques (SMA) aircraft diesel engine (ADE) Model SR305–230–1 installed under Supplemental Type Certificate (STC) SA03302AT; or

(2) SMA ADE Model SR305–230 converted to Model SR305–230–1 (by incorporation of SMA Service Bulletin SB–01–76–002) installed under STC SA03302AT.

Unsafe Condition

(d) This AD results from a report of two instances of induction hose disconnection occurring while in service on the air inlet manifold circuit, resulting in a loss of turbo boost and a significant loss of engine power. We are issuing this AD to detect and correct improper intercooler hose assembly installation, which could result in loss of turbo boost and a significant loss of engine power. This failure could lead to an inability to maintain constant altitude in flight.

Compliance

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

Actions	Compliance	Procedures
(1) Remove intercooler part number (P/N) SF01170004–0 and install reworked intercooler P/N SF01170004–1 and remove intercooler inlet and outlet hoses and install new intercooler inlet hose P/N SF01170083–0 and intercooler outlet hose P/N SF01170048–0.	Before further flight as of March 27, 2009 (the effective date of this AD).	Follow SMA SAFRAN Group Service Bulletin SB–C182–75–004, Revision No. Basic Issue, dated July 8, 2008.
(2) Inspect intercooler inlet and outlet hoses and clamps for displacement and re-torque clamps. If you find any displacement do the displacement recovery.	Within the next 25 hours time-in-service (TIS) following installation required by paragraph (e)(1) of this AD.	Follow SMA SAFRAN Group Service Bulletin SB–C182–75–004, Revision No. Basic Issue, dated July 8, 2008.
(3) Inspect the installation of the intercooler outlet hose and intercooler inlet hose assembly for any displacement or damage of clamps or hoses.	Initially inspect within the next 100 hours TIS after the action required by paragraph (e)(1) of this AD or within the next 12 months after the action required by paragraph (e)(1) of this AD, whichever occurs first. Repetitively thereafter inspect at intervals not to exceed 100 hours TIS or 12 months, whichever occurs first.	Follow SMA SAFRAN Group Service Bulletin SB–C182–75–004, Revision No. Basic Issue, dated July 8, 2008.
(4) If, as a result of any inspection required by paragraph (e)(3) of this AD, you find any displacement or damage of clamps or hoses, replace any damaged clamps and hoses.	Before further flight, after the inspection required by paragraph (e)(3) of this AD where you found any displacement or damage of clamps or hoses.	Follow SMA SAFRAN Group Service Bulletin SB–C182–75–004, Revision No. Basic Issue, dated July 8, 2008.
(5) Do not install any intercooler P/N SF01170004–0.	As of March 27, 2009 (the effective date of this AD).	Not Applicable.

Special Flight Permit

(f) Under 14 CFR part 39.23, we are limiting the special flight permits for this AD by the following conditions:

(1) Before flight, an inspection of hoses and clamps by a properly certificated mechanic reveals no damaged or disconnected hoses or clamps; and

(2) You fly by the most direct route to the site where the AD can be performed.

Alternative Methods of Compliance (AMOCs)

(g) The Manager, Atlanta Aircraft Certification Office (ACO), 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: Don O. Young, Aerospace Engineer, ACE–118A, Atlanta ACO, One Crown Center, 1895 Phoenix Blvd., Suite 450, Atlanta, Georgia 30349; *telephone:* (770) 703–6079; *fax:* (770) 703–6097. 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.

Material Incorporated by Reference

(h) You must use SMA SAFRAN Group Service Bulletin SB–C182–75–004, Revision No. Basic Issue, dated July 8, 2008, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact SMA Customer Service, 10–12 Rue Didier Daurat, 18021 Bourges, France; *telephone:* +33 (0) 2 48 67 56 00; *fax:* +33 (0) 2 48 50 01 41; *E-mail: customer_services@smasr.com*; *Internet: http://www.smaengines.com.*

(3) You may review copies of the service information incorporated by reference for this AD at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the Central Region, call (816) 329–3768.

(4) You may also review copies of the service information incorporated by reference for this AD at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

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

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–2993 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION)

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0146; Directorate Identifier 2009–CE–009–AD; Amendment 39–15820; AD 2009–04–14]

RIN 2120–AA64

Airworthiness Directives; PILATUS AIRCRAFT LTD. Model PC–12/47E Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

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

Field reports have indicated that during take-off with light turbulences or after rapid roll/heading attitude changes soon after take-off, it is possible that both PFDs (Primary Flight Display) indicate a roll attitude offset of up to 10 degrees in the same direction. This condition has been reported to correct itself after several minutes of un-accelerated flight with levelled wings and no sideslip.

This situation, if not corrected, could result in an undesired bank angle which constitutes an unsafe condition.

This AD requires actions that are intended to address the unsafe condition described in the MCAI.

DATE: This AD becomes effective February 20, 2009.

We must receive comments on this AD by March 23, 2009.

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

- *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.

Examining the AD Docket

You may examine the AD docket 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 AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64016; telephone: (816) 329–4059; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued Emergency AD No. 2009–0028–E, dated February 11, 2009 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

Field reports have indicated that during take-off with light turbulences or after rapid roll/heading attitude changes soon after take-off, it is possible that both PFDs (Primary Flight Display) indicate a roll attitude offset of up to 10 degrees in the same direction. This condition has been reported to correct itself after several minutes of un-accelerated flight with levelled wings and no sideslip.

This situation, if not corrected, could result in an undesired bank angle which constitutes an unsafe condition.

For the reason described above, this Airworthiness Directive (AD) mandates as an interim measure a revision of the operational procedures to be inserted into the Pilot's Operating Handbook (POH).

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

FAA's Determination and Requirements of the AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all information provided by the State of Design Authority and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might have also required different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are described in a separate paragraph of the AD. These requirements take precedence over those copied from the MCAI.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because reports have indicated that during take-off with light turbulences or after rapid roll/heading attitude changes soon after take-off, it is possible that both PFDs (Primary Flight Display), at the same time, incorrectly indicate a roll attitude offset of up to 10 degrees from level. This situation, if not corrected, could result in an undesired bank angle. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2009–0146; Directorate Identifier 2009–CE–009–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because 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 about this AD.

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

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

(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) 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 AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

2009–04–14 PILATUS AIRCRAFT LTD: Amendment 39–15820; Docket No. FAA–2009–0146; Directorate Identifier 2009–CE–009–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective February 20, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model PC–12/47E airplanes, manufacturer serial number (MSN) 545 and MSN 1001 and subsequent, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 34: Navigation.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

''Field reports have indicated that during take-off with light turbulences or after rapid roll/heading attitude changes soon after take-off, it is possible that both PFDs (Primary Flight Display) indicate a roll attitude offset of up to 10 degrees in the same direction. This condition has been reported to correct itself after several minutes of un-accelerated flight with levelled wings and no sideslip.

This situation, if not corrected, could result in an undesired bank angle which constitutes an unsafe condition.

For the reason described above, this Airworthiness Directive (AD) mandates as an interim measure a revision of the operational procedures to be inserted into the Pilot's Operating Handbook (POH).''

Actions and Compliance

(f) Unless already done, before further flight after the effective date of this AD, do the following:

(1) Insert the following information into the Limitations section of the POH: ''Maximum bank angle during climb must not exceed 30 degrees.''

(2) Insert the following information into the Abnormal Procedures section of the POH: ''When a discrepancy is observed between the PFD and the electronic standby instrument system (ESIS), the aircraft should be flown with flight director (FD) and auto pilot (AP) engaged until the error corrects itself. The ESIS should be used as the primary means of attitude reference as long as the problem exists. If the problem does not disappear after 15 minutes, transition to visual meteorological conditions (VMC) conditions for the rest of the flight is required.''

(3) Insert the following information into the Normal Procedures section of the POH: ''The FD shall be used for take-off in either heading or navigation mode as appropriate and with the heading or navigation properly

set. The pilot shall include the ESIS in the normal scan.''

(4) Inserting a copy of this AD into the applicable section of the POH satisfies the requirements of this AD.

(5) The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations 14 CFR 43.7 may do the actions required in this AD. Make an entry in the aircraft records showing compliance with this portion of the AD following 14 CFR 43.9.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows:

(1) We changed the language of the information to be inserted into the Limitations section in order to make the required action legally enforceable. Specifically, we changed the word ''should'' to ''must.''

(2) We are not allowing incorporating Temporary Revision No. 9, dated January 30, 2009, into the POH as an alternative method of compliance to the requirements of this AD because of the enforceability issued described above.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD. The Manager, Standards 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: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64016; telephone: (816) 329–4059; fax: (816) 329–4090. 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.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(h) Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2009–0028–E, dated February 11, 2009, and PILATUS AIRCRAFT LTD. Temporary Revision No. 9 to PC–12/47E Pilot's Operating Handbook, Report No. 02277, dated January 30, 2009, for related information.

Issued in Kansas City, Missouri on February 12, 2009.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–3641 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–13–P

BOARD OF DIRECTORS OF THE HOPE FOR HOMEOWNERS PROGRAM

24 CFR Part 4000

[Docket No. B–2009–F04]

RIN 2580–AA02

Rules Regarding Access to Information Under the Freedom of Information Act

AGENCY: Board of Directors of the HOPE for Homeowners Program (''Board'').

ACTION: Interim rule with request for public comment.

SUMMARY: The Board is adopting and requesting public comment on regulations regarding access to records of the Board under the Freedom of Information Act (FOIA). The Board was statutorily established to oversee the HOPE for Homeowners Program (Program).

DATES: The interim rule is effective on February 20, 2009 Comments on the rule should be received by April 21, 2009.

ADDRESSES: Interested persons are invited to submit comments regarding this interim rule to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street, SW., Room 10276, Washington, DC 20410–0500.

Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street, SW., Room 10276, Washington, DC 20410–0500.

2. Electronic Submission of Comments. Interested persons may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov*. HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *http://www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule.

No Facsimile Comments. Comments submitted by facsimile (FAX) will not be accepted.

Public Inspection of Public Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Information Relay Service at 800–877–8339. Copies of all comments submitted are available for inspection and downloading at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Emmanuel Yeow, Secretary of the Board of Directors of the HOPE for Homeowners Program, Department of Housing and Urban Development, 451 7th Street, SW., Room 9110, Washington, DC 20410–8000, telephone 202–708–3600 (this is not a toll-free number). Persons with hearing- or speech-impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

Title IV of Division A of the Housing and Economic Recovery Act of 2008 (Pub. L. 110–289, 122 Stat. 2654, approved July 30, 2008) (''Act'') amended Title II of the National Housing Act (NHA) to add a new section 257. This section established the Program as a temporary Federal Housing Administration (FHA) program that offers voluntary participation on the part of homeowners and existing loan holders (or servicers acting on their behalf) to insure refinanced loans for distressed borrowers to support long-

term sustainable homeownership, including among other things, allowing homeowners to avoid foreclosure. Under the Program, a qualified mortgage borrower may refinance his or her existing mortgage into a new mortgage loan insured by the FHA, subject to conditions and restrictions specified in the Act. The Program authorizes FHA to insure such eligible mortgages commencing no earlier than October 1, 2008, and the authority to insure expires September 30, 2011.

Section 257(t) of the NHA establishes a Board of Directors to oversee the Program. The Board is composed of the Secretary of Housing and Urban Development (HUD), the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, or the respective designee of each. Section 257(t) of the NHA requires the Board to, among other things, establish requirements and standards for the Program and prescribe regulations and guidelines as may be necessary or appropriate to implement such requirements and standards.

Interim Rule

As a general matter, this interim rule provides that the Board will provide access to records of the Board in accordance with the rules and procedures (including fee schedule) adopted by HUD under the FOIA (5 U.S.C. 552), which are codified at 24 CFR Part 15, Subpart B. Because the official records of the Board will be compiled and stored at the main offices of HUD, use of HUD's FOIA regulations will facilitate the administration of requests to, and responses of, the Board under the FOIA.

The Board's procedures under the FOIA, as provided in this rule, are codified in a new part 4000 of title 24 of the Code of Federal Regulations (CFR). Codification in title 24, which contains the regulations of HUD, is for purposes of convenience only. Although the Program is included as part of the National Housing Act and the Secretary of HUD acts as the Chairperson of the Board, the Board has regulatory authority independent of HUD. Accordingly, codification of this interim rule in title 24 of the CFR should not be read as implying that any other requirements included in title 24 (except for those part 15 regulations referenced in this interim rule) apply to actions taken by the Board, unless specifically adopted by the Board.

Findings and Certifications

Administrative Procedure Act

The Board will make this interim rule effective on publication, without first reviewing public comments. Pursuant to 5 U.S.C. 553, the Board finds that there is good cause for making the rule effective on that date and that it is contrary to the public interest to provide notice and review comments in advance of that date. The rule establishes the procedures under which the public may request access to the records of the Board under the FOIA, and it is in the interest of the public to have these procedures announced at the earliest possible date. The Board is seeking public comment on the interim rule and will respond to any public comments received when the Board takes final action on this interim final rule.

List of Subjects in 24 CFR 4000

Loan Programs, Mortgage Insurance, Access to information.

Authority and Issues

■ For the reasons set out in the preamble, the Board of Directors of the Hope for Homeowners Program amends Chapter XXIV by adding a new part 4000 to read as follows:

PART 4000—BOARD OF DIRECTORS OF THE HOPE FOR HOMEOWNERS PROGRAM

Subpart A—Rules Regarding Access to Information Under the Freedom of Information Act

4000.1 Purpose and scope.
4000.2 Freedom of Information Act.

Authority: 5 U.S.C. 552; 12 U.S.C. 1715z-22.

§ 4000.1 Purpose and scope.

This subpart establishes the Board's procedures governing access to records of the Board under the Freedom of Information Act (5 U.S.C. 552).

§ 4000.2 Freedom of Information Act.

(a) *In general.* While the Board is not part of the Department of Housing and Urban Development (''HUD''), the Board follows the regulations promulgated by HUD at subparts A and B (''FOIA Disclosure Information'') of part 15 (''Public access to HUD records under the Freedom of Information Act and testimony and production of information by HUD employees'') of Title 24 (''Housing and Urban Development'') of the Code of Federal Regulations (''CFR''), except as otherwise provided in this section. Any reference in 24 CFR 15.1 through 15.112 to ''HUD'' shall be construed to refer to the Board. In the event that the regulations at subparts A and B of part 15 of title 24 of the CFR subsequently are amended by HUD, the Board will follow those amended regulations. The following additional information is provided to implement 24 CFR 15.1 through 15.112 as such sections apply to the Board.

(b) *Requests for information.* All requests to the Board for access to records of the Board should be directed to the attention of the Board at the U.S. Department of Housing and Urban Development (HUD), Freedom of Information Act Office, 451 Seventh Street, SW., Room 10139, Washington, DC 20410–3000 (HUD Headquarters), where the Board maintains its principal place of business. Requestors should follow the directions for requesting records as provided in the regulations in 24 CFR part 15, subpart B. The public reading rooms for the Board are the reading rooms located at HUD Headquarters in Washington, DC. Due to security measures at HUD Headquarters, an advance appointment to review the public comments must be scheduled by calling the FOIA Office at 202–708–3054 (this is not a toll-free number).

(c) *Requests for records.* Initial determinations whether to grant requests for records of the Board will be made by the Secretary of the Board or the designee of such official. Requests for records by mail should be addressed to the same address as that provided in paragraph (a) of this section.

(d) *Administrative appeal of initial determination to deny records.* (1) Appellate determinations with respect to the records of the Board will be made by an official, designated by the Executive Director of the Board, who had no involvement in the initial determination of the request for records that is the subject of the appeal.

(2) Appellate determinations with respect to requests for expedited processing shall be made by the Secretary of the Board or the designee of such official.

(3) Appeals should be addressed to the address provided in paragraph (a) of this section.

(e) *Delivery of process.* Service of process will be received by Counselor to the Board or the designee of such official and shall be delivered to the address provided in paragraph (a) of this section to the attention of Counselor to the Board.

Dated at Washington, DC, this 13th day of February, 2009.

By order of the Board of Directors of the HOPE for Homeowners Program.

Margaret E. Burns,

Executive Director of the Board.

[FR Doc. E9–3582 Filed 2–19–09; 8:45 am]

BILLING CODE 4210–AA–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 9439]

RIN 1545–BC93

Disclosure of Return Information to the Bureau of Economic Analysis; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to temporary regulations (TD 9439) that were published in the **Federal Register** on Monday, December 29, 2008 (73 FR 79361) relating to disclosures of corporate tax return information to the Bureau of Economic Analysis.

DATES: This correction is effective on February 20, 2009, and is applicable on December 29, 2008.

FOR FURTHER INFORMATION CONTACT: Philip J. Lindenmuth, (202) 622–3400 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations that are the subject of this document are under section 6103 of the Internal Revenue Code.

Need for Correction

The temporary regulations (TD 9439) that were published in the **Federal Register** on December 29, 2008, inadvertently removed § 301.6103(j)(1)–1T in its entirety rather than removing § 301.6103(j)(1)–1T(c). This document correctly adds the text of § 301.6103(j)(1)–1T into the Code of Federal Regulations.

List of Subjects in 26 CFR Part 301

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

Correction of Publication

■ Accordingly, 26 CFR Part 301 is corrected by making the following correcting amendments:

PART 301—PROCEDURE AND ADMINISTRATION

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

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

■ **Par. 2.** Section 301.6103(j)(1)–1T is added to read as follows:

§ 301.6103(j)(1)–1T Disclosures of return information reflected on returns to officers and employees of the Department of Commerce for certain statistical purposes and related activities (temporary).

(a) through (b)(3)(xxiv) [Reserved]. For further guidance, see § 301.6103(j)(1)–1(a) through (b)(3)(xxiv).

(xxv) From Form 6765 (when filed with corporation income tax returns)—total qualified research expenses.

(c) and (d) [Reserved]. For further guidance, see § 301.6103(j)(1)–1(c) and (d).

(e) *Effective/applicability date.* The amendment to paragraph (b)(3)(xxv) of this section is applicable to disclosures to the Bureau of the Census on or after December 31, 2007.

(f) *Expiration date.* The applicability of the amendment to paragraph (b)(3)(xxv) of this section expires on or before December 28, 2010.

Cynthia E. Grigsby,

Senior Federal Register Liaison Officer, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. E9–3599 Filed 2–19–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF LABOR

Office of Labor-Management Standards

29 CFR Parts 403 and 408

RIN 1215–AB62

Labor Organization Annual Financial Reports

AGENCY: Office of Labor-Management Standards, Employment Standards Administration, Department of Labor.

ACTION: Final rule; delay of effective date.

SUMMARY: This final rule delays the effective date of new regulations pertaining to the filing by labor organizations of annual financial reports required by the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA). The regulations were published in the **Federal Register** on January 21, 2009. They revised Labor Organization Annual Report Form LM–2 and established a procedure whereby the Department may revoke, when warranted, a labor organization's authorization to file the simplified Labor Organization Annual Report Form LM–3. This final rule postpones the effective date of the regulations from February 20, 2009, until April 21, 2009, to allow additional time for the agency and the public to review questions of law and policy concerning the regulations and, meanwhile, to permit unions to delay costly development and implementation of any necessary new accounting and recordkeeping systems and procedures pending this further consideration.

DATES: The effective date of the rule amending 29 CFR Parts 403 and 408, published January 21, 2009, at 74 FR 3678, is delayed until April 21, 2009. Comments on matters of law and policy raised by the regulations published on January 21, 2009, at 74 FR 3678, will be accepted until March 5, 2009.

FOR FURTHER INFORMATION CONTACT: Denise M. Boucher, Director, Office of Policy Reports and Disclosure, Office of Labor-Management Standards, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., room N–5609, Washington, DC 20210, (202) 693–1185. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background and Overview

Section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA) (Pub. L. 86–257, 73 Stat. 519), requires each covered labor organization to file annually with the Secretary of Labor a financial report, signed by its president and treasurer or corresponding principal officers, containing information in the detail necessary to disclose accurately its financial condition and operations for the preceding fiscal year. The Secretary of Labor has delegated the Secretary's authority under the LMRDA to the Assistant Secretary for Employment Standards.

The requirements of LMRDA section 201 apply to all labor organizations in the private sector including those representing employees under the provisions of the National Labor Relations Act, as amended, and the Railway Labor Act, as amended. Section 1209(b) of the Postal Reorganization Act made the LMRDA applicable to labor organizations representing employees of the U.S. Postal Service. Section 701 of the Civil Service Reform Act of 1978 (CSRA) and section 1017 of the Foreign Service Act of 1980 (FSA), as implemented by Department of Labor

regulations at 29 CFR parts 457–459, extended the LMRDA reporting requirements to labor organizations representing certain employees of the Federal government.

Section 208 of the LMRDA authorizes the Secretary to issue rules prescribing the form and publication of the annual financial reports required by section 201, and to provide a simplified report for labor organizations for which the Secretary finds that by virtue of their size a detailed report would be unduly burdensome. Under regulations issued pursuant to section 208, the Secretary has prescribed Form LM–2 for labor organizations with total annual receipts of $250,000 or more, and the simplified Form LM–3 for labor organizations with total annual receipts of $10,000 or more, but less than $250,000.

On January 21, 2009, the Department of Labor's Office of Labor-Management Standards (OLMS) published in the **Federal Register** (74 FR 3677) regulations making revisions to the Form LM–2 (used by the largest labor organizations to file their annual financial reports). The regulations, when effective, will require labor unions to report additional information on Schedules 3 (Sale of Investments and Fixed Assets), 4 (Purchase of Investments and Fixed Assets), 11 (All Officers and Disbursements to Officers) and 12 (Disbursement to Employees). The regulations also would add itemization schedules corresponding to categories of receipts, and establish a procedure and standards by which the Secretary of Labor may revoke a particular labor organization's authorization to file the simplified annual report, Form LM–3, where appropriate, after investigation, due notice, and opportunity for a hearing. The regulations were scheduled to take effect on February 20, 2009.

Consistent with the memorandum of January 20, 2009, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review'' and the memorandum of January 21, 2009, from the Director of the Office of Management and Budget (OMB), entitled ''Implementation of Memorandum Concerning Regulatory Review,'' on February 3, 2009, OLMS published in the **Federal Register** a document seeking comment on a proposed 60 day extension of the effective date and requesting comment on legal and policy questions relating to the regulations, including on the merits of rescinding or retaining the regulations. The document was available for public inspection at the **Federal Register** on January 29, 2009 and was published on February 3, 2009 (74 FR 5899).

Public comment on the proposed extension was invited, with the comment period ending on February 13, 2009. Public comment was also invited generally on the regulations, including the merits of rescinding or retaining them, with this comment period ending on March 5, 2009.

For the reasons discussed below, the Department has decided to postpone, for 60 days, the effective date of the regulations published on January 21, 2009, until April 21, 2009, for additional public comment and agency review of questions of law and policy.

II. Comments on the Proposal and the Department's Responses and Decision

The Department received 24 comments on its proposal to postpone the effective date of the new Form LM–2/LM–3 regulations for 60 days pending further review of questions of law and policy. Eight were received from individuals, five of these expressed support for the Form LM–2/LM–3 regulations, but took no position on the proposed delay; three opposed delay, but without further explanation. Three public policy organizations (one of which submitted two separate comments) opposed the delay. An employer association also opposed the delay. Nine national or international labor organizations and two federations of labor organizations argued in support of the delay.

Commenters opposing the delay asserted the need for greater union transparency provided by the new regulations. Two commenters opined that this greater transparency is consistent with the President's stated emphasis on oversight and accountability. One of these commenters advised that such transparency is particularly needed in the context of new economic stimulus funds that soon will impact workplaces. The Department recognizes the objectives of transparency in the context of the LMRDA. The purpose of this stage of the proceedings is not, however, to reconsider the merits of the regulations. It is to determine whether they raise substantial questions of law and policy, necessitating additional review. The Department has in place a well-utilized and fully-operational labor union reporting and disclosure system. The system will not be affected or delayed in any way. In addition, under the original effective date, annual reports due under the new regulation would not be available in any event until September of 2010, at the earliest. Consequently, a 60-day delay before the rule goes into effect does no discernable or quantifiable damage to the transparency objectives of the LMRDA. The implementation date of the regulations is not so time sensitive that it forecloses present day policy and legal review.

A public policy organization stated that the effective date of the new Form LM–2/LM–3 regulations should not be postponed because organizations have had adequate time to prepare for implementation of the regulations and any further delays are unnecessary. The Department disagrees. The purpose of extending the effective date of the regulations is to prevent labor organizations from incurring potentially unnecessary expense and effort in modifying accounting systems and procedures in the event that the regulations are modified or rescinded, not to provide more time to implement the changes the regulation requires. One commenter expressed the view that any needed accounting changes would be insignificant. That viewpoint is not, however, supported by the burden analysis published with the regulations. 74 FR 3702–3719. As there stated, the ''Department assumes that most of the burden associated with the changes will occur in the first year due to needed changes to the accounting software and staff training.'' 74 FR 3708. Several national and international labor organizations stated that the Department correctly recognized the appropriateness in delaying the effective date of the regulations pending further review of the regulations. Some of these labor organizations stated that postponement of the regulations to permit their review was appropriate because the regulations require unions to incur substantial additional reporting and recordkeeping costs for a second time within only a few years time.

Three public policy organizations stated their opposition to any delay in the effective date of the new Form LM–2/LM–3 regulations, citing the sufficiency of the public comment and regulatory process that led to their adoption. These commenters also challenged the basis for the Department's review of these regulations. One expressed concern that delay in the disclosure of perquisites and benefits to officials of unions that supported the Administration during last fall's national elections creates an appearance of impropriety that alone should prevent this action. The Department strongly disagrees with this assessment. The Department's proposal to delay the effective date of the regulations is consistent with the request of the Assistant to the President

and Chief of Staff and the Office of Management and Budget directed to all Executive branch agencies, without regard to particular agencies or program areas, to determine whether it might be appropriate to delay the effective date of regulations to permit their review for matters of law and policy before taking effect. This process is being undertaken in a fully transparent manner, and the instant rulemaking has been, and will continue to be, undertaken in full compliance with the requirements of the Administrative Procedure Act. Moreover, the Department's current action in publishing this final rule is limited to delaying the regulations' effective date to April 21, 2009.

An employer association expressed concern that the postponement of the rule's effective date could be used by labor organizations as an excuse for filing incomplete Form LM–2s in 2009. The Department disagrees with this assessment. Absent further action by this Department, labor organizations will be required to comply with the regulations published on January 21, 2009. These regulations will apply to labor organizations whose fiscal year begins on or after July 1, 2009. Moreover, even if the effective date of these regulations were to be further delayed, labor organizations would still be required to comply with the Form LM–2 requirements that have been in place since 2003. Thus, any concern about incomplete reports is misplaced.

A public policy organization requested the Department to extend the March 5, 2009 date prescribed in the February 3, 2009 NPRM for the submission of comments on legal and policy questions relating to the Form LM–2–3 regulations. The organization stated that members of the public who may be adversely affected by the possible rescission of the regulations require at least an additional 120 days to submit comments, additionally requesting that the Department specifically identify legal and policy questions raised by the regulations. The Department declines to extend the comment period. The regulations as published will take effect on April 21, 2009 absent further action by the Department. If the Department determines to propose the rescission of the regulations, such proposal will be subject to notice and comment, thereby providing the public an ample opportunity to express its views on the regulations, including any grounds identified by the Department in support of rescission.

No commenter identified any substantial harm that would arise from delaying the regulations for 60 days. After carefully considering the comments, the Department remains of the view that a delay of the regulations is appropriate. The delay will reduce the risk that unnecessary expense and effort may be undertaken to comply with the regulations under review.

The Department has invited comments on matters of law and policy raised by the regulations, and it will continue to accept comments until March 5, 2009.

Dated: February 17, 2009.

Andrew D. Auerbach,

Deputy Director, Office of Labor-Management Standards.

[FR Doc. E9–3721 Filed 2–19–09; 8:45 am]

BILLING CODE 4510–CP–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2009–0058]

Drawbridge Operating Regulations; Gulf Intracoastal Waterway, Houma, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Louisiana State Route 316 (LA 316) pontoon span bridge, also known as the Bayou Blue Bridge, across Gulf Intracoastal Waterway, mile 49.8, west of Harvey Lock (WHL) at Houma in Lafourche Parish, Louisiana. This deviation provides for the bridge to remain closed to navigation for one day in order to perform scheduled maintenance.

DATES: This deviation is effective from 7 a.m. until 3:30 p.m. on Tuesday, March 24, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2009–0058 and are available online at *www.regulations.gov*. They are also available for inspection or copying at two locations: the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, Room 1313, 500 Poydras Street, New Orleans, Louisiana, 70130–3310 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Phil Johnson, Bridge Administration Branch, telephone (504) 671–2128.

SUPPLEMENTARY INFORMATION: The Louisiana Department of Transportation has requested a temporary deviation in order to perform maintenance on the LA 316 Pontoon Span Bridge across Gulf Intracoastal Waterway at mile 49.8, WHL, at Houma, Louisiana. This maintenance is necessary to repair the pivot arm that is attached to the floating pontoon of the bridge. The pivot arm sustained damage from a vessel which recently collided with it. A winch truck will need to be positioned on the pontoon span to hold the pivot arm in proper alignment while it is cut, straightened and welded. In order for the winch truck to remain on the pontoon span, the span must be locked in the closed-to-navigation position. This temporary deviation will allow the bridge to remain closed to navigation position from 7 a.m. until 3:30 p.m. on Tuesday, March 24, 2009. During the closure the draw will not be able to open for emergencies. Currently, the draw opens on signal.

Navigation on the waterway consists of tugs with tows, commercial fishing vessels and recreational powerboats and sailboats. The bridge is a pontoon span bridge which prevents all marine traffic from transiting the site with it in the closed-to-navigation position. No alternate route is available. The Coast Guard has coordinated this closure with the Gulf Intracoastal Canal Association (GICA). The GICA representative indicated that the vessel operators will be able to schedule transits through the bridge such that operations will not significantly be hindered. Thus, it has been determined that this closure will not have a significant effect on these vessels. This closure is considered necessary for repair of the swing arm of the bridge for continued operation of the bridge.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 4, 2009.

David M. Frank,

Bridge Administrator.

[FR Doc. E9–3569 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2009–0071]

Drawbridge Operation Regulation; Bayou Lacarpe, Mile 7.5, at Houma, Lafourche Parish, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the SR 661 Vertical Lift Bridge across Bayou Lacarpe, mile 7.5, at Houma, Lafourche Parish, Louisiana. The deviation is necessary to replace all the wire ropes used to lift the movable span of the bridge. This deviation allows the bridge to remain closed during daytime hours and require an advance notice for openings during the nighttime.

DATES: This deviation is effective from 9 a.m. on February 28, 2009 through 5 p.m. on March 14, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2009–0071 and are available online at *www.regulations.gov*. They are also available for inspection or copying at two locations: The Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, Room 1313, 500 Poydras Street, New Orleans, Louisiana 70130–3310 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: David Frank, Bridge Administration Branch, telephone (504) 671–2128.

SUPPLEMENTARY INFORMATION: Louisiana Department of Transportation and Development has requested that the State Route 661 Vertical Lift Bridge across Bayou Lacarpe, mile 7.5, at Houma, Lafourche Parish, Louisiana operating schedule be deviated. The vertical clearance of the bridge in the closed position is 3 feet, thus most vessels will not be able to pass underneath this bridge in the closed-to-navigation position. There may be times, during the closure period, when the draw will not be able to open for emergencies. The bridge normally operates in accordance with 33 CFR 117.460 on signal with at least a four hour advance notice except that it need not open on weekdays except holidays from 7 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m. This deviation will allow the bridge to remain in the closed-to-navigation position from 9 a.m. to 6 p.m. and will open on signal if at least 24 hour notice is given from 6 p.m. to 9 a.m. starting February 28, 2009 through March 14, 2009. During the closure periods the wire ropes used for lifting the movable span will all be changed. Navigation on the waterway consists of tugs with tows, fishing vessels and recreational craft. Due to prior experience, as well as coordination with waterway users, and an alternate route around either side of the island that this bridge goes to it has been determined that this closure will not have a significant effect on these vessels. A Temporary Deviation was published for this project to start in January but do to unforeseen delays the project will start in February.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 5, 2009.

David M. Frank,

Bridge Administrator.

[FR Doc. E9–3564 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2009–0002]

Drawbridge Operation Regulations; Hackensack River, Secaucus, NJ, Maintenance

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Upper Hack Bridge across the Hackensack River, mile 6.9, at Secaucus, New Jersey. Under this temporary deviation the bridge may remain in the closed position for two days to facilitate bridge maintenance. Vessels that can pass under the draw without a bridge opening may do so at all times.

DATES: This deviation is effective from February 20, 2009 through February 22, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2009–0002 and are available online at *www.regulations.gov*. They are also available for inspection or copying at two locations: The Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Joe Arca, Project Officer, First Coast Guard District, at (212) 668–7165.

SUPPLEMENTARY INFORMATION: The Upper Hack Bridge, across the Hackensack River, mile 6.9, at Secaucus, New Jersey, has a vertical clearance in the closed position of 8 feet at mean high water and 13 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.723(d).

The waterway has seasonal recreational vessels, and commercial vessels of various sizes.

The owner of the bridge, New Jersey Transit Rail Operation (NJTRO), requested a temporary deviation to facilitate the removal of asbestos from the control house.

Under this temporary deviation the Upper Hack Bridge may remain in the closed position from February 20, 2009 through February 22, 2009. Vessels that can pass under the bridge without a bridge opening may do so at all times.

In accordance with 33 CFR 117.35(e), the bridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 5, 2009.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. E9–3566 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2009–0054]

RIN 1625–AA09

Drawbridge Operation Regulation; Tennessee River, Decatur, AL

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operations of the Southern Railroad Drawbridge across the Tennessee River, mile 304.4, at Decatur, Alabama. The deviation is necessary to allow time for conducting needed maintenance and repairs to the bridge. This deviation allows the bridge to remain in the closed to navigation position and not open to vessel traffic.

DATES: This deviation is effective from 8 a.m. to 8 p.m. on February 20, 2009 and from 8 a.m. to 8 p.m. on February 24, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2009–0054 and are available online at *www.regulations.gov.* They are also available for inspections or copying at two locations: the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and the Robert A. Young Federal Building, Room 2.107f, 1222 Spruce Street, St. Louis, MO 63103–2832, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays

FOR FUTHER INFORMATION CONTACT: Roger K. Wiebusch, Bridge Administrator, (314) 269–2378.

SUPPLEMENTARY INFORMATION: The Norfolk Southern Railway requested a temporary deviation for the Southern Railroad Drawbridge, across the Tennessee River, Mile 304.4, at Decatur, Alabama to remain in the closed to navigation position for two 12 hour periods in order to facilitate critical bridge maintenance. The Southern Railroad Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that drawbridges shall open promptly and fully for the passage of vessels when a request to open is given in accordance with the subpart. In order to facilitate the needed bridge work, the drawbridge must be kept in the closed-to-navigation position for two 12 hour periods. This deviation allows the bridge to remain in the closed to navigation position and not open for vessel traffic from 8 a.m. to 8 p.m. on February 20, 2009 and 8 a.m. to 8 p.m. on February 24, 2009.

Navigation on the waterway consists primarily of commercial tows and recreational watercraft and will not be significantly impacted.

The Southern Railroad Drawbridge navigation span has a vertical clearance of 10.52 feet above normal pool in the closed to navigation position. Performing necessary maintenance on the bridge is required to ensure the continued reliability of the lift span. This temporary change to the drawbridge's operation has been coordinated with the commercial waterway operators.

There are no alternate routes for vessels transiting this section of the Tennessee River.

This temporary deviation has been coordinated with waterway users. No objections were received.

Dated: February 4, 2009.

Roger K. Wiebusch,

Bridge Administrator, Eighth Coast Guard District (dwb).

[FR Doc. E9–3571 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2008–1272]

RIN 1625–AA00

Safety Zone; Underwater Object, Massachusetts Bay, MA.

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is extending the duration of a temporary safety zone surrounding an underwater object located approximately 17 miles northeast of Scituate, Massachusetts in Massachusetts Bay. This action is necessary to ensure that vessels are not endangered by dredging, diving, salvage, anchoring, fishing or other activities in this area. This temporary rulemaking is needed to protect the environment, the commercial fishing industry, and the general public from potential hazards associated with the underwater object.

DATES: This rule extends the current temporary regulation, docket number USCG–2008–1272, Safety Zone; Underwater Object, Massachusetts Bay, MA which has been in effect since 11 p.m. January 8, 2009, until 11:59 p.m. January 14, 2009. This current rule will be in effect from 12 a.m. January 15, 2009, until 11:59 p.m. March 14, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2008–1272 and will be available online at *http://www.regulations.gov.* They will also be available for inspection or copying in two locations: the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and United States Coast Guard Sector Boston, 427 Commercial St., Boston, MA 02109 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call Chief Eldridge McFadden, Waterways Management, at 617–223–3000. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because immediate action is needed to protect the public from the hazards posed by an unknown underwater object located in Massachusetts Bay. This object is located in approximately 95 feet of water 17 miles northeast of Scituate, Massachusetts. This rule extends the existing safety zone, which expired on January 14, 2009, so as to protect the environment, the commercial fishing industry, and the general public, to the extent practicable, from the hazards associated with this unknown object, while investigative efforts continue and risk mitigation strategies are further explored and implemented.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

On January 3, 2009, the vessel PATRIOT, a 54 foot steel-hull boat was involved in an accident, which resulted in the presumed sinking of the vessel with the loss of two crewmembers onboard. The F/V PATRIOT was reported to have an estimated 5000 gallons of fuel onboard. In the days following the accident, the position of the vessel remained unknown, but several vessels reported catching their nets on an unknown object on the bottom of the ocean. On January 8, 2009, the Coast Guard established a temporary safety zone around this reported underwater object located in Massachusetts Bay approximately 17 miles northeast from Scituate, Massachusetts, in position 42°24′27″ N, 70°27′14″ W. This underwater object created an immediate and significant danger to the environment, the commercial fishing industry, and the general maritime public, as mariners unaware of its presence could make contact with the object and cause damage to their vessel equipment below the water, or fishing gear. While investigative efforts continue, and risk mitigation strategies are further explored it is necessary to extend the duration of the safety zone.

Discussion of Rule

This regulation extends the duration of the temporary safety zone on the navigable waters of Massachusetts Bay, Massachusetts, 17 miles northeast from Scituate, Massachusetts. The temporary safety zone extends for 500 yards in all directions from an underwater object located in approximate position 42°24′27″ N, 70°27′14″ W.

This action is intended to prohibit vessels and persons from entering, transiting, anchoring, diving, dredging, dumping, fishing, trawling, laying cable, or conducting salvage operations in this zone except as authorized by the Coast Guard Captain of the Port Boston, Massachusetts. This rule extends the current temporary Safety Zone; Underwater Object, Massachusetts Bay, through 11:59 p.m. March 14, 2009. Once the object can be properly identified and the potential hazards fully assessed and mitigated, the Coast Guard will cease enforcement of the safety zone and mariners will be able to transit through the area. Public notifications will be made of this safety zone through broadcast notice to mariners. Marine traffic may transit safely in all other areas of Massachusetts Bay, but are restricted from entering the area delineated above.

The Captain of the Port anticipates minimal negative impact on vessel traffic due to the limited area and duration covered by this safety zone.

Regulatory Analyses

We developed this 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 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.

We expect the economic impact of this rule will be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. This regulation may have some impact on the public. This impact, however, is outweighed by the safety risks mitigated by the enactment of this zone. Further, the safety zone covers an area that is so small that mariners will be able to transit around the zone.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit, anchor, or fish in a portion of the Massachusetts Bay covered by the safety zone. This rule will not have a significant impact on a substantial number of small entities for the following reasons: the area this rule is affecting is very small and vessels may transit around the safety zone.

Assistance for Small Entities

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to

minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of 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 rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Department of Homeland Security Management 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 concluded under the Instruction that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation as the rule extends a temporary safety zone. Under figure 2–1, paragraph (34)(g), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are required for this rule because it concerns a safety zone for an emergency situation of longer than 1 week in duration. A final ''Environmental Analysis Check List'' and a final ''Categorical Exclusion Determination'' will be available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 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, 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 temporary § 165.T01–1272 to read as follows:

§ 165.T01–1272 Safety Zone: Underwater Object, Massachusetts Bay, MA.

(a) *Location.* The following area is a safety zone: All navigable waters, from surface to bottom, of Massachusetts Bay within a 500 yard radius of underwater object, in approximate position 42°24′27″ N, 70°24′14″ W.

(b) *Definitions.* The following definition applies to this section: *Designated representative* means any commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port Boston.

(c) *Regulations.* (1) The general regulations contained in 33 CFR § 165.23 apply.

(2) In accordance with the general regulations in § 165.23 of this part, all vessels and persons are prohibited from entering the safety zone without permission from the Captain of the Port Boston. In addition all vessels and persons are prohibited from anchoring, diving, dredging, dumping, fishing, trawling, laying cable, or conducting salvage operations in this zone except as authorized by the Coast Guard Captain of the Port Boston.

(3) All persons and vessels shall comply with the Coast Guard Captain of the Port Boston or designated representative.

(4) Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

(5) Persons desiring to enter the safety zone may request permission from the Captain of the Port Boston via VHF Channel 16 or via telephone at (617) 223–3201.

(d) *Enforcement period.* This rule will be enforced from 12:00 a.m. January 15, 2009, until 11:59 p.m. March 14, 2009.

Dated: January 14, 2009.

G.P. Kulisch,

Captain, U.S. Coast Guard, Captain of the Port Boston.

[FR Doc. E9–3670 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–HQ–OAR–2009–0017; FRL–8774–6]

Extension of Deadline for Action on Section 126 Petition From Delaware

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is extending by 6 months the deadline for EPA to take action on a petition submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC). The petition requests that EPA make a finding under section 126(b) of the Clean Air Act (CAA) that electric generating units (EGUs) in nine upwind states are emitting air pollutants in violation of the provisions of section 110(a)(2)(D)(i) of the CAA. Under the CAA, EPA is authorized to grant a time extension for responding to the petition

if EPA determines that the extension is necessary, among other things, to meet the purposes of the CAA's rulemaking requirements. By this action, EPA is making that determination.

DATES: This action is effective on February 20, 2009.

ADDRESSES: EPA has established a docket for this rulemaking under Docket ID number EPA–HQ–OAR–2009–0017. 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.*, confidential business information 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. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the EPA Docket Center EPA/DC, 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, and the telephone number for the EPA Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For further information, contact Tim Smith, Air Quality Planning Division, Office of Air Quality Planning and Standards, mail code C539–04, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: 919–541–4718; fax number: 919–541–0824; e-mail address: *smith.tim@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

This is a procedural action to extend the deadline for EPA to respond to a petition from Delaware filed under CAA section 126. EPA received the section 126 petition on December 18, 2008. The petition requests that EPA make a finding that EGUs in Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia are emitting air pollutants in violation of the provision of section 110(a)(2)(D)(i) of the CAA. That section provides that each state's State Implementation Plan (SIP) shall contain adequate provisions prohibiting emissions of any air pollutant in amounts which will contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any national ambient air quality standard (NAAQS). The petition asserts that EGUs in the nine named states have a significant impact on Delaware's air quality and that this impact would be mitigated by further regulation of nitrogen oxide and sulfur dioxide emissions from those sources.

Section 126(b) authorizes states or political subdivisions to petition EPA to find that a major source or group of stationary sources in upwind states emits or would emit any air pollutant in violation of the prohibition of section 110(a)(2)(D), by contributing significantly to nonattainment or maintenance problems in downwind states. If EPA makes such a finding, EPA is authorized to establish federal emissions limits for the sources which so contribute.

Under section 126(b), EPA must make the finding requested in the petition, or must deny the petition within 60 days of its receipt. Under section 126(c), any existing sources for which EPA makes the requested finding must cease operations within three months of the finding, except that those sources may continue to operate if they comply with emission limitations and compliance schedules that EPA may provide to bring about compliance with the applicable requirements.

Section 126(b) further provides that EPA must allow a public hearing for the petition. EPA's action under section 126 is also subject to the procedural requirements of CAA section 307(d). *See* section 307(d)(1)(N). One of these requirements is notice-and-comment rulemaking, under section 307(d)(3).

In addition, section 307(d)(10) provides for a time extension, under certain circumstances, for rulemaking subject to section 307(d). Specifically, section 307(d)(10) provides:

> Each statutory deadline for promulgation of rules to which this subsection applies which requires promulgation less than six months after date of proposal may be extended to not more than six months after date of proposal by the Administrator upon a determination that such extension is necessary to afford the public, and the agency, adequate opportunity to carry out the purposes of the subsection.

Section 307(d)(10) applies to section 126 rulemakings because the 60-day time limit under section 126(b) necessarily limits the period after proposal to less than six months.

II. Final Action

A. Rule

In accordance with section 307(d)(10), EPA is determining that the 60-day period afforded by section 126(b) for responding to the petition from the Delaware DNREC is not adequate to allow the public and the Agency adequate opportunity to carry out the purposes of section 307(b). Specifically, the 60-day period is insufficient for EPA to develop an adequate proposal and allow time for notice and comment on whether the EGUs identified in the section 126 petition contribute significantly to nonattainment or maintenance problems in Delaware.

EPA is in the process of determining what would be an appropriate schedule for action on the section 126 petition from Delaware. This schedule must afford EPA adequate time to prepare a proposal that clearly elucidates the issues to facilitate public comment and must provide adequate time for the public to comment prior to issuing the final rule.

As a result of this extension, the deadline for EPA to act on the petition is August 13, 2009.

B. Notice-and-Comment Under the Administrative Procedures Act (APA)

This document is a final agency action, but may not be subject to the notice-and-comment requirements of the APA, 5 U.S.C. 553(b). The EPA believes that, because of the limited time provided to make a determination that the deadline for action on the section 126 petition should be extended, Congress may not have intended such a determination to be subject to notice-and-comment rulemaking. However, to the extent that this determination otherwise would require notice and opportunity for public comment, there is good cause within the meaning of 5 U.S.C. 553(b)(3)(B) not to apply those requirements here. Providing for notice-and-comment would be impracticable because of the limited time provided for making this determination, and would be contrary to the public interest because it would divert Agency resources from the substantive review of the section 126 petition.

C. Effective Date Under the APA

This action is effective on February 20, 2009. Under the APA, 5 U.S.C. 553(d)(3), agency rulemaking may take effect before 30 days after the date of publication in the **Federal Register** if the agency has good cause to mandate an earlier effective date. This action—a deadline extension—must take effect immediately because its purpose is to extend by 6 months the deadline for action on the petition. It is important for this deadline extension action to be effective before the original 60-day period for action elapses. As discussed above, EPA intends to use the 6-month extension period to develop a proposal on the petition and provide time for

public comment before issuing the final rule. These reasons support an immediate effective date.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This action is not a ''significant regulatory action'' under the terms of Executive Order (EO) 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under the EO.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320(b). This action simply extends the date for EPA to take action on a petition and does not impose any new obligations or enforceable duties on any state, local or tribal governments or the private sector. Therefore, it does not impose an information collection burden.

C. Regulatory Flexibility Act

This final rule is not subject to the Regulatory Flexibility Act (RFA), which generally requires an agency to prepare a regulatory flexibility analysis for any rule that will have a significant economic impact on a substantial number of small entities. The RFA applies only to rules subject to notice-and-comment rulemaking requirements under the APA or any other statute. This rule is not subject to notice-and-comment requirements under the APA or any other statute because, although the rule is subject to the APA, the Agency has invoked the ''good cause'' exemption under 5 U.S.C. 553(b). Therefore, it is not subject to the notice-and-comment requirement.

D. Unfunded Mandates Reform Act

This action contains no federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (URMA), 2 U.S.C. 1531–1538 for state, local, or tribal governments or the private sector. This action imposes no enforceable duty on any state, local, or tribal governments or the private sector. This action simply extends the date for EPA to take action on a petition and does not impose any new obligations or enforceable duties on any state, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 and 205 of the UMRA.

This action is also not subject to the requirements of section 203 of URMA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This action simply extends the date for EPA to take action on a petition and does not impose any new obligations or enforceable duties on any small governments.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by state and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects 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.''

This action does not have federalism implications. It will not have substantial direct effects 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, as specified in Executive Order 13132. This rule simply extends the date for EPA to take action on a petition and does not impose any new obligations or enforceable duties on any state, local or tribal governments or the private sector. Thus, Executive Order 13132 does not apply to this rule.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). It will not have substantial direct effects on tribal governments, 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, as specified in Executive Order 13175. This action does not significantly or uniquely affect the communities of indian tribal governments. As discussed above, this action imposes no new requirements that would impose compliance burdens. Accordingly, the requirements of Executive Order 13175 do not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This action is not subject to EO 13045 (62 FR 19885, April 23, 1997) because the Agency does not believe the environmental health risks or safety risks addressed by this action present a disproportionate risk to children. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. This rule simply extends the deadline for EPA to take action on a petition and does not impose any regulatory requirements.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Further, we have concluded that this rule is not likely to have any adverse effects because this action simply extends the deadline for EPA to take action on a petition.

I. National Technology Transfer and Advancement Act

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

J. Executive Order 12898—Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minorities and low-income populations in the United States.

The EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it simply extends the deadline for EPA to take action on a petition and does not impose any regulatory requirements.

K. Congressional Review Act

The Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a

copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 of the CRA provides an exception to this requirement. For any rule for which an agency for good cause finds that notice and comment are impracticable, unnecessary, or contrary to the public interest, the rule may take effect on the date set by the Agency. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

L. Judicial Review

Section 307(b)(1) of the CAA indicates which Federal Courts of Appeal have venue for petitions of review of final actions by EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit (i) when the agency action consists of ''nationally applicable regulations promulgated, or final actions taken, by the Administrator,'' or (ii) when such action is locally or regionally applicable, if ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.''

Under CAA section 307(b)(1), a petition to review this action must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days of February 20, 2009.

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Electric utilities, Intergovernmental relations, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: February 12, 2009.

Lisa P. Jackson,

Administrator.

[FR Doc. E9–3660 Filed 2–19–09; 8:45 am]

BILLING CODE 6560–50–P

OFFICE OF PERSONNEL MANAGEMENT

48 CFR Part 1652

RIN 3206–AL66

Federal Employees Health Benefits Program Acquisition Regulation: Miscellaneous Clarifications and Corrections

AGENCY: U.S. Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The U.S. Office of Personnel Management (OPM) is issuing a final rule to amend the Federal Employees Health Benefits Acquisition Regulations (FEHBAR). The rule clarifies the rate-setting process for community-rated carriers with respect to Similarly Sized Subscriber Groups (SSSG) and removes the ban on adjustments based on rate reconciliation for the final year of Federal Employees Health Benefits Program (FEHBP) contracts.

DATES: *Effective Date:* March 23, 2009.

FOR FURTHER INFORMATION CONTACT: Edward M. DeHarde, Senior Policy Analyst at 202–606–0004, or e-mail *Edward.DeHarde@opm.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this regulation is to clarify requirements with respect to the rate-setting process for community-rated carriers and to require rate reconciliation for the final contract term for community-rated carriers that leave the FEHBP.

In prior years, carriers were not subjected to rate reconciliation in the final year of their contracts. Information technology and electronic transmission and storage of data now make it possible to efficiently perform rate reconciliation for the final contract year. Therefore, OPM will begin conducting such rate reconciliation on community-rated contracts that terminate after January 1, 2009.

A proposed rule was published to amend 48 CFR part 1652 in the **Federal Register** at 73 FR 51260, September 2, 2008. OPM requested comments by October 2, 2008. We received one set of comments by that date, from an FEHBP carrier. The issues raised by the commenter are discussed below.

The commenter did not have issue with our change at § 1652.216–70(b)(2) but suggested that we change ''methodology'' in the second sentence to ''established policy'' to be consistent with the language used earlier in the section. We have made this clarifying edit in the final rule.

The commenter indicated that the rule at § 1652.216–70(b)(7) would encourage carriers to reduce the discounts given to OPM or eliminate them entirely. The commentator stated that some carriers offer discounts to prevent against errors and changing assumptions in the rate proposal, such as changes in assumed Medicare Advantage or Medicare Part D rates. To offset these changes or errors, the carrier can then lower the discount it originally offered to OPM. The commenter suggested that we strike the word ''guaranteed'' from our regulation and indicate that discounts may be adjusted only ''if the adjustment results in no change to the net to carrier rate agreed to by OPM before the beginning of the contract year.''

The proposed rule at § 1652.216–70(b)(7) is consistent with the requirements of a fixed price health benefits contract established under the principles of community rating. That is, a plan's premium as agreed to at time of proposal may change only to the extent that it reflects a change that occurs in the plan's community. Discounts that are offered to OPM and guaranteed by the carrier cannot be adjusted after the start of the contract period.

Finally, the commenter indicated that the proposed regulation was too broad at § 1652.216–70(b)(8), because OPM sometimes purchases benefits that are greater than those that the carrier prices in its community using its ''established rating method.''

Nothing in the proposed rule precludes a carrier from rating for FEHB-specific provisions or requirements. The carrier must utilize a consistent rating method for any FEHB-specific provisions and requirements, and would need to apply this same method to its community if such provisions or requirements are extended to its community.

Therefore, for the reasons explained above and in the supplementary information of the proposed rule, the proposed rule amending 48 CFR part 1652 published in the **Federal Register** at 73 FR 51260, September 2, 2008, is adopted as final with a minor clarification at § 1652.216–70(b)(2) to change ''methodology'' to ''established policy.''

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because all the small plan FEHBP contracts fall below the threshold for submitting cost or pricing data.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Lists of Subjects in 48 CFR Part 1652

Government employees, Government procurement, Health insurance, Reporting and recordkeeping requirements.

U.S. Office of Personnel Management.

Kathie Ann Whipple,

Acting Director.

■ Accordingly, OPM is amending chapter 16 of title 48, Code of Federal Regulations, as follows:

CHAPTER 16—OFFICE OF PERSONNEL MANAGEMENT FEDERAL EMPLOYEES HEALTH BENEFITS ACQUISITION REGULATION

Subchapter H—Clauses and Forms

PART 1652—CONTRACT CLAUSES

■ 1. The authority citation for part 1652 continues to read as follows:

Authority: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

Subpart 1652.2—Texts of FEHBP Clauses

■ 2. In § 1652.216–70, revise paragraphs (b)(2), (b)(3), (b)(4), and (b)(6), and add paragraphs (b)(7) and (b)(8) to read as follows:

§ 1652.216–70 Accounting and price adjustment.

* * * * *

(b) * * *

(2) The subscription rates agreed to in this contract shall be equivalent to the subscription rates given to the carrier's similarly sized subscriber groups (SSSGs) as defined in FEHBAR 1602.170–13. The subscription rates shall be determined according to the carrier's established policy, which must be applied consistently to the FEHBP and to the carrier's SSSGs. If an SSSG receives a rate lower than that determined according to the carrier's established policy, it is considered a discount. The FEHBP must receive a discount equal to or greater than the carrier's largest SSSG discount.

(3) If, at the time of the rate reconciliation, the subscription rates are found to be lower than the equivalent rates for the lower of the two SSSGs, the carrier may include an adjustment to the Federal group's rates for the next contract period, except as noted in paragraph (b)(7) of this clause.

(4) If, at the time of the rate reconciliation, the subscription rates are found to be higher than the equivalent rates for the lower of the two SSSGs, the carrier shall reimburse the Fund, for example, by reducing the FEHB rates for the next contract term to reflect the difference between the estimated rates and the rates which are derived using the methodology of the lower rated SSSG, except as noted in paragraph (b)(7) of this clause.

* * * * *

(6) For contract years beginning on or after January 1, 2009, in the event this contract is not renewed, the final rate reconciliation will be performed. The carrier must promptly pay any amount owed to OPM. Any amount recoverable by the carrier is limited to the amount in the contingency reserve for the terminating plan as of December 31 of the terminating year.

(7) Carriers may provide additional guaranteed discounts to the FEHBP that are not given to SSSGs. Any such guaranteed discounts must be clearly identified as guaranteed discounts. After the beginning of the contract year for which the rates are set, these guaranteed FEHBP discounts may not be adjusted.

(8) Carriers may not impose surcharges (loadings not defined based on an established rating method) on the FEHBP subscription rates or use surcharges in the rate reconciliation process irrespective of whether surcharges are applied to the SSSGs.

* * * * *

[FR Doc. E9–3675 Filed 2–19–09; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 090213177–9179–01]

RIN 0648–XN40

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan

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

ACTION: Temporary rule.

SUMMARY: The Assistant Administrator for Fisheries (AA), NOAA, announces temporary restrictions consistent with the requirements of the Atlantic Large Whale Take Reduction Plan's (ALWTRP) implementing regulations. These regulations apply to lobster trap/pot and anchored gillnet fishermen for 15 days in an area totaling approximately 1,920 nm^2 (6,586 km^2) east of Portsmouth, New Hampshire. The purpose of this action is to provide protection to an aggregation of North Atlantic right whales (right whales).

DATES: Effective beginning at 0001 hours [*February 22, 2009*], through 2400 hours [*March 8, 2009*].

ADDRESSES: Copies of the proposed and final Dynamic Area Management (DAM) rules, Environmental Assessments (EAs), Atlantic Large Whale Take Reduction Team (ALWTRT) meeting summaries, and progress reports on implementation of the ALWTRP may also be obtained by writing Diane Borggaard, NMFS/Northeast Region, 55 Great Republic Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Diane Borggaard, NMFS/Northeast Region, 978–281–9300 x6503; or Kristy Long, NMFS, Office of Protected Resources, 301–713–2322.

SUPPLEMENTARY INFORMATION:

Electronic Access

Several of the background documents for the ALWTRP and the take reduction planning process can be downloaded from the ALWTRP web site at *http://www.nero.noaa.gov/whaletrp/*.

Background

The ALWTRP was developed pursuant to section 118 of the Marine Mammal Protection Act (MMPA) to reduce the incidental mortality and serious injury of three endangered species of whales (right, fin, and humpback) due to incidental interaction with commercial fishing activities. In addition, the measures identified in the ALWTRP would provide conservation benefits to a fourth species (minke), which are neither listed as endangered nor threatened under the Endangered Species Act (ESA). The ALWTRP, implemented through regulations codified at 50 CFR 229.32, relies on a combination of fishing gear modifications and time/area closures to reduce the risk of whales becoming entangled in commercial fishing gear (and potentially suffering serious injury or mortality as a result).

On January 9, 2002, NMFS published the final rule to implement the ALWTRP's DAM program (67 FR 1133). On August 26, 2003, NMFS amended the regulations by publishing a final rule, which specifically identified gear modifications that may be allowed in a DAM zone (68 FR 51195). The DAM program provides specific authority for NMFS to restrict temporarily on an

expedited basis the use of lobster trap/pot and anchored gillnet fishing gear in order to protect right whales and is applicable to areas north of 42° 30' N. lat. Under the DAM program, NMFS may: (1) require the removal of all lobster trap/pot and anchored gillnet fishing gear for a 15–day period; (2) allow lobster trap/pot and anchored gillnet fishing within a DAM zone with gear modifications determined by NMFS to sufficiently reduce the risk of entanglement; and/or (3) issue an alert to fishermen requesting the voluntary removal of all lobster trap/pot and anchored gillnet gear for a 15–day period and asking fishermen not to set any additional gear in the DAM zone during the 15–day period.

A DAM zone is triggered when NMFS receives a reliable report from a qualified individual of three or more right whales sighted within an area (75 nm^2 (139 km^2)) such that right whale density is equal to or greater than 0.04 right whales per nm^2 (1.85 km^2). A qualified individual is an individual ascertained by NMFS to be reasonably able, through training or experience, to identify a right whale. Such individuals include, but are not limited to, NMFS staff, U.S. Coast Guard and Navy personnel trained in whale identification, scientific research survey personnel, whale watch operators and naturalists, and mariners trained in whale species identification through disentanglement training or some other training program deemed adequate by NMFS. A reliable report would be a credible right whale sighting.

On February 10, 2009, a vessel survey reported an aggregation of 10 right whales in the general proximity of 43° 00' N latitude and 70° 11' W longitude. The position lies east of Portsmouth, New Hampshire, in the vicinity of Jeffreys Ledge. After conducting an investigation, NMFS ascertained that the report came from a qualified individual and determined that the report was reliable. Thus, NMFS has received a reliable report from a qualified individual of the requisite right whale density to trigger the DAM provisions of the ALWTRP.

Once a DAM zone is triggered, NMFS determines whether to impose restrictions on fishing and/or fishing gear in the zone. This determination is based on the following factors, including but not limited to: the location of the DAM zone with respect to other fishery closure areas, weather conditions as they relate to the safety of human life at sea, the type and amount of gear already present in the area, and a review of recent right whale entanglement and mortality data.

NMFS has reviewed the factors and management options noted above relative to the DAM under consideration. As a result of this review, NMFS prohibits lobster trap/pot and anchored gillnet gear in this area during the 15–day restricted period unless it is modified in the manner described in this temporary rule.

The DAM zone is bounded by the following coordinates:

43° 18' N., 70° 25.4' W. (NW Corner)
43° 18' N., 69° 45' W.
42° 56' N., 69° 45' W.
42° 56' N., 69° 32' W.
42° 30' N., 69° 32' W.
42° 30' N., 70° 24' W.
42° 40' N., 70° 24' W.
42° 40' N., 70° 37' W.
43° 04' N., 70° 37' W.
43° 04.1' N., 70° 36.7' W.
43° 18' N., 70° 25.4' W. (NW Corner)

In addition to those gear modifications currently implemented under the ALWTRP at 50 CFR 229.32, the following gear modifications are required in the DAM zone. If the requirements and exceptions for gear modification in the DAM zone, as described below, differ from other ALWTRP requirements for any overlapping areas and times, then the more restrictive requirements will apply in the DAM zone. Special note for gillnet fishermen: a portion of this DAM zone overlaps the year-round Western Gulf of Maine Closure Area for Northeast Multispecies found at 50 CFR 648.81(e).Due to this closure, sink gillnet is prohibited from this portion of the DAM zone.

Lobster Trap/pot Gear

Fishermen utilizing lobster trap/pot gear within portions of Northern Inshore State Trap/Pot Waters, Northern Nearshore Trap/Pot Waters, and Stellwagen Bank/Jeffreys Ledge Restricted Area that overlap with the DAM zone are required to utilize all of the following gear modifications while the DAM zone is in effect:

1. Groundlines must be made of sinking line. Floating groundlines are prohibited;
2. All buoy lines must be made of sinking line, except the bottom portion of the line, which may be a section of floating line not to exceed one-third the overall length of the buoy line;
3. Fishermen are allowed to use two buoy lines per trawl; and
4. A weak link with a maximum breaking strength of 600 lb (272.4 kg) must be placed at all buoys.

Fishermen utilizing lobster trap/pot gear within the portion of the Offshore Lobster Waters Area that overlap with the DAM zone are required to utilize all of the following gear modifications while the DAM zone is in effect:

1. Groundlines must be made of sinking line. Floating groundlines are prohibited;
2. All buoy lines must be made of sinking line, except the bottom portion of the line, which may be a section of floating line not to exceed one-third the overall length of the buoy line;
3. Fishermen are allowed to use two buoy lines per trawl; and
4. A weak link with a maximum breaking strength of 1,500 lb (680.4 kg) must be placed at all buoys.

Anchored Gillnet Gear

Fishermen utilizing anchored gillnet gear within the portions of the Other Northeast Gillnet Waters Area and the Stellwagen Bank/Jeffreys Ledge Restricted Area that overlap with the DAM zone are required to utilize all the following gear modifications while the DAM zone is in effect:

1. Groundlines must be made of sinking line. Floating groundlines are prohibited;
2. All buoy lines must be made of sinking line, except the bottom portion of the line, which may be a section of floating line not to exceed one-third the overall length of the buoy line;
3. Fishermen are allowed to use two buoy lines per string;
4. The breaking strength of each net panel weak link must not exceed 1,100 lb (498.8 kg). The weak link requirements apply to all variations in net panel size. One weak link must be placed in the center of the floatline and one weak link must be placed in the center of each of the up and down lines at both ends of the net panel. Additionally, one weak link must be placed as close as possible to each end of the net panels on the floatline; or, one weak link must be placed between floatline tie-loops between net panels and one weak link must be placed where the floatline tie-loops attach to the bridle, buoy line, or groundline at each end of a net string;
5. A weak link with a maximum breaking strength of 1,100 lb (498.8 kg) must be placed at all buoys; and
6. All anchored gillnets, regardless of the number of net panels, must be securely anchored with the holding power of at least a 22 lb (10.0 kg) Danforth-style anchor at each end of the net string.

The restrictions will be in effect beginning at 0001 hours [*February 22, 2009*], through 2400 hours [*March 8, 2009*], unless terminated sooner or extended by NMFS through another notification in the **Federal Register**.

The restrictions will be announced to state officials, fishermen, ALWTRT members, and other interested parties

through e-mail, phone contact, NOAA website, and other appropriate media immediately upon issuance of the rule by the AA.

Classification

In accordance with section 118(f)(9) of the MMPA, the Assistant Administrator (AA) for Fisheries has determined that this action is necessary to implement a take reduction plan to protect North Atlantic right whales.

Environmental Assessments for the DAM program were prepared on December 28, 2001, and August 6, 2003. This action falls within the scope of the analyses of these EAs, which are available from the agency upon request.

NMFS provided prior notice and an opportunity for public comment on the regulations establishing the criteria and procedures for implementing a DAM zone. Providing prior notice and opportunity for comment on this action, pursuant to those regulations, would be impracticable because it would prevent NMFS from executing its functions to protect and reduce serious injury and mortality of endangered right whales. The regulations establishing the DAM program are designed to enable the agency to help protect unexpected concentrations of right whales. In order to meet the goals of the DAM program, the agency needs to be able to create a DAM zone and implement restrictions on fishing gear as soon as possible once the criteria are triggered and NMFS determines that a DAM restricted zone is appropriate. If NMFS were to provide prior notice and an opportunity for public comment upon the creation of a DAM restricted zone, the aggregated right whales would be vulnerable to entanglement which could result in serious injury and mortality. Additionally, the right whales would most likely move on to another location before NMFS could implement the restrictions designed to protect them, thereby rendering the action obsolete. Therefore, pursuant to 5 U.S.C. 553(b)(B), the AA finds that good cause exists to waive prior notice and an opportunity to comment on this action to implement a DAM restricted zone to reduce the risk of entanglement of endangered right whales in commercial lobster trap/pot and anchored gillnet gear as such procedures would be impracticable.

For the same reasons, the AA finds that, under 5 U.S.C. 553(d)(3), good cause exists to waive the 30–day delay in effective date. If NMFS were to delay for 30 days the effective date of this action, the aggregated right whales would be vulnerable to entanglement, which could cause serious injury and mortality. Additionally, right whales would likely move to another location between the time NMFS approved the action creating the DAM restricted zone and the time it went into effect, thereby rendering the action obsolete and ineffective. Nevertheless, NMFS recognizes the need for fishermen to have time to either modify or remove (if not in compliance with the required restrictions) their gear from a DAM zone once one is approved. Thus, NMFS makes this action effective 2 days after the date of publication of this document in the **Federal Register**. NMFS will also endeavor to provide notice of this action to fishermen through other means upon issuance of the rule by the AA, thereby providing approximately 3 additional days of notice while the Office of the **Federal Register** processes the document for publication.

NMFS determined that the regulations establishing the DAM program and actions such as this one taken pursuant to those regulations are consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program of the U.S. Atlantic coastal states. This determination was submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act. Following state review of the regulations creating the DAM program, no state disagreed with NMFS' conclusion that the DAM program is consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program for that state.

The DAM program under which NMFS is taking this action contains policies with federalism implications warranting preparation of a federalism assessment under Executive Order 13132. Accordingly, in October 2001 and March 2003, the Assistant Secretary for Intergovernmental and Legislative Affairs, Department of Commerce, provided notice of the DAM program and its amendments to the appropriate elected officials in states to be affected by actions taken pursuant to the DAM program. Federalism issues raised by state officials were addressed in the final rules implementing the DAM program. A copy of the federalism Summary Impact Statement for the final rules is available upon request (**ADDRESSES**).

The rule implementing the DAM program has been determined to be not significant under Executive Order 12866.

Authority: 16 U.S.C. 1361 *et seq.* and 50 CFR 229.32(g)(3)

Dated: February 17, 2009.

Samuel D. Rauch III,

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

[FR Doc. E9–3669 Filed 2–17–09; 4:15 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No.0812171612–9134–02]

RIN 0648–XM21

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications

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

ACTION: Final rule; closure of directed fishing for Pacific sardine.

SUMMARY: NMFS issues this final rule to implement the annual harvest guideline (HG) and management measures for Pacific sardine in the U.S. exclusive economic zone (EEZ) off the Pacific coast for the fishing season of January 1, 2009, through December 31, 2009. This HG has been determined according to the regulations implementing the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP) and establishes allowable harvest levels for Pacific sardine off the Pacific coast. This rule also announces that the directed fishing harvest total for the first allocation period (January 1 - June 30) has been reached and therefore directed fishing for Pacific sardine is now closed until July 1, 2009.

DATES: Effective February 20, 2009 through December 31, 2009, except for the directed harvest closure that is effective through June 30, 2009.

ADDRESSES: Copies of the report ''Assessment of Pacific Sardine Stock for U.S. Management in 2008'' or the Final Regulatory Flexibility Analysis (FRFA) prepared for this final rule may be obtained from the Southwest Regional Office, Rodney R. McInnis, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Joshua Lindsay, Southwest Region, NMFS, (562) 980–4034.

SUPPLEMENTARY INFORMATION: The CPS FMP, which is implemented by regulation at 50 CFR part 660, subpart

I, divides management unit species into two categories: actively managed and monitored. Harvest guidelines for actively managed species (Pacific sardine and Pacific mackerel) are based on formulas applied to current biomass estimates. Biomass estimates are not calculated for species that are only monitored (jack mackerel, northern anchovy, and market squid).

During public meetings each year, the biomass for each actively managed species within the CPS FMP is presented to the Pacific Fishery Management Council's (Council) Coastal Pelagic Species Management Team (Team) and the Council's Coastal Pelagic Species Advisory Subpanel (Subpanel). At that time, the biomass, the acceptable biological catch (ABC) and the status of the fisheries are reviewed and discussed. This information is then presented to the Council along with HG recommendations and comments from the Team and Subpanel. Following review by the Council and after hearing public comment, the Council makes its HG recommendation to NMFS.

In November 2008, the Council adopted, and NMFS then approved an ABC or maximum HG of 66,932 mt for the 2009 Pacific sardine fishing year. This ABC is the result of applying a biomass estimate of 662,886 mt to the harvest control rule established in the CPS FMP. This ABC/HG is 25 percent less than the ABC/HG recommended by the Council and adopted by NMFS for the 2008 fishing season. The Council recommended, and NMFS approved, that 1,200 mt of this available ABC/HG be initially subtracted from the ABC and reserved for a potential industry-based research project. NMFS will need to issue an Exempted Fishing Permit (EFP) for such an activity to occur and will be requesting comments from the public on such an EFP prior to a decision being made. A decision on whether to issue an EFP will be made prior to the start of the second seasonal period which is July 1, 2009. If it is determined that an EFP cannot be issued then the 1,200 mt will be added to the third period's directed harvest allocation prior to the start of that period.

The Council also recommended, and NMFS approved, that the remaining 65,732 mt be used as the initial overall HG and be allocated across the seasonal periods established by Amendment 11 (71 FR 36999) and that an incidental catch set-aside of 6,500 mt be established. Subtracting this set-aside from the initial overall HG establishes an initial directed harvest fishery of 59,232 mt and an incidental fishery of 6,500 mt. The purpose of the incidental fishery is to allow for the restricted incidental landings of Pacific sardine in other fisheries, particularly other CPS fisheries, if and when a seasonal directed fishery is closed.

The directed harvest levels and incidental set-asides are initially allocated across the three seasonal allocation periods in the following way: January 1–June 30, 22,006 mt is allocated for directed harvest with an incidental set-aside of 1,000 mt; July 1–September 14, 25,293 mt is allocated for directed harvest with an incidental set-aside of 1,000 mt; September 15–December 31, 11,933 mt is allocated for directed harvest with an incidental set-aside of 4,500 mt. If during any of the seasonal allocation periods the applicable adjusted directed harvest allocation is projected to be taken, the fishery will be closed to directed harvest, except for live bait harvest, and only incidental harvest will be allowed. For the remainder of the period, any incidental Pacific sardine landings will be counted against that period's incidental set-aside. The incidental fishery will also be constrained to a 20–percent by weight incidental catch rate when Pacific sardine are landed with other CPS so as to minimize the targeting of Pacific sardine. In the event that an incidental set-aside is projected to be attained, all fisheries will be closed to the retention of Pacific sardine for the remainder of the period. If the set-aside is not fully attained or is exceeded in a given seasonal period, the directed harvest allocation in the following seasonal period would automatically be adjusted to account for the discrepancy. Additionally, if during any seasonal period the directed harvest allocation is not fully attained or is exceeded, then the following period's directed harvest total would be adjusted to account for this discrepancy as well. The above in-season harvest restrictions are not intended to affect the operation of the live bait portion of the Pacific sardine fishery.

If the total HG or these apportionment levels for Pacific sardine are reached or are expected to be reached, the Pacific sardine fishery would be closed via appropriate rulemaking until it re-opens either per the allocation scheme or the beginning of the next fishing season. The Regional Administrator will publish a notice in the **Federal Register** announcing the date of such closures.

This rule announces that based on the best available information recently obtained from the fishery, the directed fishing harvest total for the first allocation period (January 1 - June 30) has been reached and therefore directed fishing for Pacific sardine is now closed until July 1, 2009. Fishing vessels must be at shore and in the process of offloading at the time of closure.

For further background information on this action please refer to the preamble of the proposed rule (75 FR 252, January 5,2009).

NMFS received one comment regarding the Pacific sardine annual specifications.

Comment 1: The commenter stated that the HG formula does not adequately take into account ecosystem needs and that of the two biomass estimates put forth by the SSC for consideration by the Council for management in 2009 that the lower biomass estimate and thus the lower resulting HG should have been chosen.

Response: NMFS agrees that Pacific sardine is an important prey component of the California Current ecosystem and as such the current harvest control rule formula used to determine the harvest guideline for Pacific sardine takes into account ecosystem as well as physical environmental factors. This is achieved by means of a formula that, after overall biomass is determined, takes into account the viability of the sardine stock and its value as forage when determining the guideline number. This is accomplished by a harvest rate or harvest ''fraction'' that is adjusted between 5 percent and 15 percent based on current ocean temperatures. Because past shifts in sardine productivity are linked with warm or cold ocean regimes a higher fraction is allotted for harvest when ocean temperatures are warmer and sardine production is greater, while the lower fraction is used when ocean temperatures are cooler and sardine production is decreased. In addition, a 150,000 mt stock biomass threshold, or ''cutoff'', is established below which no harvest is allowed in order to ensure a minimum spawning biomass is protected. Each year this ''cutoff'' number of 150,000 mt is subtracted from the overall biomass number before the harvestable biomass is calculated to take into account the importance of Pacific sardine as forage.

During the November 2008 Council meeting, the Council was presented an updated assessment of the Pacific sardine biomass along with outputs from two different model runs which resulted in two different biomass estimates (662,886 mt and 586,369 mt) and ultimately two different HGs (66,932 mt and 56,946 mt). The model run that estimated a biomass of 662,886 mt adhered to the existing assessment configuration (approved in 2007) while introducing the most recent data (i.e., 2007–08 landings, 2007–08 age/length distributions, and the Daily Egg

Production Method estimate produced from the California Cooperative Oceanic Fisheries Investigation survey in April 2008), but did not meet some of the acceptance criteria for an updated assessment under the CPS Terms of Reference (TOR). In contrast, the model run that estimated a biomass of 586,369 mt adhered more closely to the CPS TOR for updated assessments but did not include the most recent data described above. The SSC determined that both assessment results were based on the best available science, but that it was not possible to identify which better represents the ''best available science,'' and therefore there was no scientific basis for choosing one over the other.

The Council decided to recommend the higher of the two assessment results because it incorporated the most recent data, was determined by the experts on the SSC to reflect the ''best available science,'' and because the resulting HG would lessen the economic losses likely to result from reducing the HG compared to 2008. NMFS believes the recommendation of the Council was appropriate because the conservative nature of the harvest control rule for Pacific sardine (as described in this section) ensures the HG will not threaten the Pacific sardine stock, the fact that both assessment results constituted the best available science, and because the higher HG provides a greater opportunity to achieve optimum Yield.

Classification

The Administrator, Southwest Region, NMFS, determined that this final rule is necessary for the conservation and management of the CPS fishery and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

NMFS 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) for the closure of the January 1–June 30 directed harvest of Pacific sardine. For the reasons set forth below, notice and comment procedures are impracticable and contrary to the public interest. These measures respond to the best available information and are necessary for the conservation and management of the Pacific sardine resource. The most recent data from the fishery, received by NMFS on February 1, 2009, shows that reported landings as well as the current rate of fishing are significantly greater than anticipated. Based on this data, NMFS believes that the directed harvest allocation for the period January 1 through June 30 will be attained much sooner than predicted and prior to publication of this rulemaking. A delay in effectiveness would cause the fishery to further exceed the in-season directed harvest level. These seasonal harvest levels are important mechanisms in preventing overfishing and managing the fishery at optimum yield. The established directed and incidental harvest allocations are designed to allow fair and equitable opportunity to the resource by all sectors of the Pacific sardine fishery and to allow access to other profitable CPS fisheries, such as squid and Pacific mackerel. Many of the same fishermen who harvest Pacific sardine rely on these other fisheries for a significant portion of their income. For the same reasons, NMFS finds good cause under 5 U.S.C. 553(d)(3) to waive the 30–day delay in effectiveness for both the establishment of the harvest guideline and closure of the January 1 June 30 directed harvest. To help keep the regulated community informed of the potential for an early closure, NMFS advised the CPS Advisory Subpanel that based on current landings directed harvest would likely be closed before the end of February. The Subpanel is comprised of representatives from all sectors and regions of the sardine industry, including processors, fishermen, user groups, conservation groups and fishermen association representatives. As landing totals become available, they are also posted on NMFS' Southwest Regional Office website, *http://swr.nmfs.noaa.gov/*. NMFS will also announce this the harvest guidelines and closure through other means available, including fax, email, and mail to fishermen, processors, and state fishery management agencies. Therefore, NMFS finds that there is good cause to waive the 30–day delay in effectiveness in this circumstance.

This final rule is exempt from Office of Management and Budget review under Executive Order 12866.

No issues were raised by public comments in response to the IRFA or on the economic impacts of the rule generally. Therefore, no changes were made to the IRFA. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the SUMMARY section of the preamble. The results of the FRFA are stated below. For copies of the FRFA please see the ADDRESSES section above.

The purpose of this final rule is to implement the 2009 HG for Pacific sardine in the U.S. EEZ off the Pacific coast. The HG is promulgated according to the regulations implementing the CPS FMP and establishes allowable harvest levels for Pacific sardine off the Pacific coast. The HG is determined using an environmentally-based formula accounting for the effect of ocean conditions on stock productivity.

The HG is apportioned based on the following allocation scheme: 35 percent of the HG is allocated coastwide on January 1; 40 percent of the HG, plus any portion not harvested from the initial allocation is then reallocated coastwide on July 1; and on September 15 the remaining 25 percent, plus any portion not harvested from earlier allocations, will be released. If the total HG or these apportionment levels for Pacific sardine are reached at any time, the Pacific sardine fishery is closed until either it re-opens per the allocation scheme or the beginning of the next fishing season. There is no limit on the amount of catch that any single vessel can take during an allocation period or the year; the HG and seasonal allocations are available until fully utilized by the entire CPS fleet.

The small entities that are affected by this action are the vessels that compose the U.S. West Coast CPS finfish fleet. Approximately 107 vessels are permitted to operate in the sardine fishery component of the CPS fishery: 63 permits in the Federal CPS limited entry fishery off California (south of 39° N. lat.), and a combined 44 permits in Oregon and Washington's state Pacific sardine fisheries. This final rule has an equal effect on all of these small entities and therefore will impact a substantial number of these small entities in the same manner. These vessels are considered small business entities by the U.S. Small Business Administration since the vessels do not have annual receipts in excess of $4.0 million. Therefore, there would be no economic impacts resulting from disproportionality between small and large business entities under this action.

The profitability of these vessels as a result of this final rule are based on the average Pacific sardine ex-vessel price per mt. NMFS used average Pacific sardine ex-vessel price per mt to conduct a profitability analysis because cost data for the harvesting operations of CPS finfish vessels was unavailable.

For the 2008 fishing year the HG was set at 89,093 mt. Approximately 87,000 mt (58,000 in California and 29,000 in Oregon and Washington) of this HG was harvested during the 2008 fishing season with an estimated ex-vessel value of $14.5 million. Although the 2008 HG was 42 percent lower than the HG for 2007, due to an increase in

average annual ex-vessel price per pound annual ex-vessel revenue for 2008 was similar to that in 2007.

The HG for the 2009 Pacific sardine fishing season (January 1, 2009 through December 31, 2009) is 65,732 metric tons (mt). This HG is 25 percent lower than the 2008 HG. If the fleet were to take the entire 2009 HG, and assuming a coastwide average ex-vessel price per mt of $168, the potential revenue to the fleet would be approximately $11 million. This would be similar to the average total coastwide ex-vessel value achieved from 2002–2007. Whether this will occur depends greatly on market forces within the fishery and on the regional availability of the resource to the fleets and the fleets' ability to find pure schools of Pacific sardine. A change in the market and/or the potential lack of availability of the resource to the fleets could cause a reduction in the amount of Pacific sardine that is harvested, in turn, reducing the total revenue to the fleet from Pacific sardine.

There will likely be a drop in profitability based on this final rule compared to last season due to the lower HG this year. However, from 2002 through 2007 the average coastwide annual ex-vessel revenue was $11 million, therefore at current ex-vessel price per mt, the harvest guideline for 2009 should provide similar revenue as seen from 2002 through 2007.

No significant alternatives to this final rule exist that would accomplish the stated objectives of the applicable statutes and which would minimize any significant economic impact of this proposed rule on the affected small entities. The CPS FMP and its implementing regulations require NMFS to set an annual HG for the Pacific sardine fishery based on the harvest formula in the FMP. The harvest formula is applied to the current stock biomass estimate to determine the ABC, from which the HG is then derived. Determining the annual HG merely implements the established procedures of the FMP with the goal of continuing to provide expected net benefits to the nation, regardless of what the specific annual allowable harvest of Pacific sardine is determined to be.

There are no reporting, recordkeeping, or other compliance requirements required by this final rule. Additionally, no other Federal rules duplicate, overlap or conflict with this final rule.

Small Business 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.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a notice to fishermen that also serves as a small entity compliance guide (guide) was prepared and will be distributed to fishermen and processors. The guide will also be available on the internet at *http://swr.nmfs.noaa.gov*. Copies of this final rule and guide, i.e. notice to fishermen, will be available upon request from the Southwest Regional Office (see **ADDRESSES**).

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

Dated: February 12, 2009.

James W. Balsiger,

Acting Assistant Administrator For Fisheries, National Marine Fisheries Service.

[FR Doc. E9–3531 Filed 2–13–09; 4:15 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 74, No. 33
Friday, February 20, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

[Doc. No. AMS–FV–08–0113; FV09–981–1 CR]

Almonds Grown in California; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among eligible California almonds growers to determine whether they favor continuance of the marketing order regulating the handling of almonds grown in California.

DATES: The referendum will be conducted from April 6 through April 24, 2009. To vote in this referendum, growers must have produced California almonds during the period August 1, 2007 through July 31, 2008.

ADDRESSES: Copies of the marketing order may be obtained from the California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, 2202 Monterey Street, Suite 102B, Fresno, California, 93721–3129, or the Office of the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237.

FOR FURTHER INFORMATION CONTACT: Terry Vawter, Senior Marketing Specialist, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or e-mail: *Terry.Vawter@ams.usda.gov* or *Kurt.Kimmel@ams.usda.gov*, respectively.

SUPPLEMENTARY INFORMATION: Pursuant to Marketing Order No. 981 (7 CFR part 981), hereinafter referred to as the ''order,'' and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act,'' it is hereby directed that a referendum be conducted to ascertain whether continuance of the order is favored by growers. The referendum shall be conducted from April 6 through April 24, 2009, among eligible California almond growers. Only growers that were engaged in the production of California almonds during the period of August 1, 2007 through July 31, 2008, may participate in the continuance referendum.

USDA has determined that continuance referenda are an effective means for determining whether growers favor the continuation of marketing order programs. USDA would consider termination of the order if less than two-thirds of the growers voting in the referendum, and growers of less than two-thirds of the volume of California almonds represented in the referendum favor continuance of their program. In evaluating the merits of continuance versus termination, USDA will consider the results of the continuance referendum and other relevant information regarding operation of the order. USDA will evaluate the order's relative benefits and disadvantages to growers, handlers, and consumers to determine whether continuing the order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the ballot materials used in the referendum herein ordered have been approved by the Office of Management and Budget (OMB), under OMB No. 0581–0189, OMB Generic Fruit Crops. It has been estimated that it will take an average of 5 minutes for each of the approximately 6,000 growers of California almonds to cast a ballot. Participation is voluntary. Ballots postmarked after April 24, 2009, will not be included in the vote tabulation.

Terry Vawter and Kurt J. Kimmel of the California Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, are hereby designated as the referendum agents of the Secretary of Agriculture to conduct this referendum. The procedure applicable to the referendum shall be the ''Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended'' (7 CFR 900.400 *et seq.*).

Ballots will be mailed to all growers of record and may also be obtained from the referendum agents, or from their appointees.

List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 601–674.

Dated: February 13, 2009.

David R. Shipman,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. E9–3597 Filed 2–19–09; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1216

[Document Number AMS–FV–08–0065; FV–08–703]

Peanut Promotion, Research and Information Order; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum Order.

SUMMARY: This notice directs that a referendum be conducted among the eligible producers of peanuts to determine whether they favor continuance of the Peanut Promotion, Research and Information Order (Order).

DATES: This referendum will be conducted from April 2, 2009, through April 30, 2009. To vote in this referendum, producers must have paid assessments on peanuts produced during the representative period from January 1, 2008, to December 31, 2008.

ADDRESSES: Copies of the Order may be obtained from: Referendum Agent, Research and Promotion Branch (RPB), Fruit and Vegetable Programs (FVP), AMS, USDA, Stop 0244, Room 0632–S, 1400 Independence Avenue, SW., Washington, DC 20250–0244, telephone: 888–720–9917 (toll free), facsimile: 202–205–2800, e-mail: *Jeanette.Palmer@usda.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to the Commodity Promotion, Research and Information Act of 1996 (7 U.S.C. 7411–7425) (Act), it is hereby directed that a referendum be conducted to ascertain whether continuance of the Order is favored by producers of peanuts covered under the program. The Order is authorized under the Act.

The representative period for establishing voter eligibility for the referendum shall be the period from January 1, 2008, to December 31, 2008. Persons who are producers of peanuts and paid assessments at the time of the referendum and during the representative period are eligible to vote. Persons who received an exemption from assessments for the entire representative period are ineligible to vote. The referendum shall be conducted by mail from April 2, 2009, through April 30, 2009.

Section 518 of the Act authorizes continuance referenda. Under section 1216.82 of the Order, the Department of Agriculture (Department) shall conduct a referendum every five years or when 10 percent or more of the eligible voters petition the Secretary of Agriculture to hold a referendum to determine if persons subject to assessment favor continuance of the Order. The Department would continue the Order if continuance of the Order is approved by a simple majority of the producers voting in the referendum.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the referendum ballot has been approved by the Office of Management and Budget (OMB) and assigned OMB NO. 0581–0093. It has been estimated that there are approximately 10,840 producers who will be eligible to vote in the referendum. It will take an average of 15 minutes for each voter to read the voting instructions and complete the referendum ballot.

Referendum Order

Jeanette Palmer and Sonia Jimenez, RPB, FVP, AMS, USDA, Stop 0244, Room 0632–S, 1400 Independence Avenue, SW., Washington, DC 20250–0244, are designated as the referendum agents to conduct this referendum. The referendum procedures 7 CFR 1216.100 through 1216.107, which were issued pursuant to the Act, shall be used to conduct the referendum.

The referendum agents will mail the ballots to be cast in the referendum and voting instructions to all known producers prior to the first day of the voting period. Persons who are producers and paid assessments at the time of the referendum and during the representative period are eligible to vote. Persons who received an exemption from assessments during the entire representative period are ineligible to vote. Any eligible producer who does not receive a ballot should contact the referendum agent no later than one week before the end of the voting period. Ballots must be received by the referendum agent by the April 30, 2009 deadline, in order to be counted.

List of Subjects in 7 CFR Part 1216

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Peanut promotion, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 7411–7425 and 7 U.S.C. 7401.

Dated: February 13, 2009.

James E. Link,

Administrator, Agricultural Marketing Service.

[FR Doc. E9–3601 Filed 2–19–09; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0121; Directorate Identifier 2008–NE–36–AD]

RIN 2120–AA64

Airworthiness Directives; General Electric Company (GE) CF6–80C2B5F Turbofan Engines

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for GE CF6–80C2B5F turbofan engines. This proposed AD would require removing certain part number (P/N) high-pressure compressor rotor (HPCR) 11–14 spool/shafts before they exceed a new, reduced life limit. This proposed AD results from an internal GE audit that compared the life limited parts certification documentation to the airworthiness limitations section (ALS) of the instructions for continuing airworthiness (ICA). We are proposing this AD to prevent HPCR 11–14 spool/shaft fatigue cracks caused by exceeding the life limit, which could result in a possible uncontained failure of the HPCR spool/shaft and damage to the airplane.

DATES: We must receive any comments on this proposed AD by April 21, 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.

FOR FURTHER INFORMATION CONTACT: Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Part, Burlington, MA 01803; *e-mail: robert.green@faa.gov*; telephone (781) 238–7754; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send us any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2009–0121; Directorate Identifier 2008–NE–36–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

The ALS in the ICA for CF6–80C2 series engines incorrectly cited a cyclic life of 20,000 cycles for the HPCR 11–14 spool/shaft, P/N 1703M74G03, installed in CF6–80C2B5F engines. The certified life for this spool/shaft in CF6–80C2B5F engines is 19,500 cycles. The HPCR 11–14 spool/shaft, P/N 1703M74G03, wasn't originally certified for CF6–80C2B5F engines, but was included in the ALS under the CF6–80C2B5F engine model listing with a 20,000 cycle limit. When the spool/shaft was certified for the CF6–80C2B5F, it was certified for 19,500 cycles. GE changed the ALS to 19,500 cycles. Exceeding the 19,500 cycle life limit could result in fatigue cracks starting and growing until the spool/shaft fails. This condition, if not corrected, could result in possible uncontained HPCR spool/shaft failure and damage to the airplane.

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. We are proposing this AD, which would require removing from service CF6–80C2B5F engines with HPCR 11–14 spool/shafts, P/N 1703M74G03, before they exceed 19,500 cycles.

Costs of Compliance

We estimate that this proposed AD would affect one engine installed on an airplane of U.S. registry. We also estimate that the proposed actions would require no work-hours per engine. No parts are required. Based on these figures, we estimate there is no cost of the proposed AD to U.S. operators.

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. You may get a copy of this summary at the address listed under **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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 adding the following new airworthiness directive:

General Electric Company: Docket No. FAA–2009–0121; Directorate Identifier 2008–NE–36–AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by April 21, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to General Electric Company (GE) CF6–80C2B5F turbofan engines with a high-pressure compressor rotor (HPCR) 11–14 spool/shaft, part number (P/N) 1703M74G03, installed. These engines are installed on, but not limited to, Boeing 747 series airplanes.

Unsafe Condition

(d) This AD results from an internal GE audit that compared the life limited parts certification documentation to the airworthiness limitations section (ALS) of the instructions for continuing airworthiness (ICA). We are issuing this AD to prevent HPCR 11–14 spool/shaft fatigue cracks caused by exceeding the life limit, which could result in a possible uncontained failure of the HPCR spool/shaft and 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.

New Reduced Life Limit for the HPCR 11–14 Spool/Shaft

(f) Remove any CF6–80C2B5F turbofan engine that has an HPCR 11–14 spool/shaft, P/N 1703M74G03, before the spool/shaft meets or exceeds the new, reduced life cycle limit of 19,500 cycles.

Installation Prohibition

(g) After the effective date of this AD, do not install any CF6–80C2B5F turbofan engine that has an HPCR 11–14 spool/shaft, P/N 1703M74G03, that meets or exceeds 19,500 cycles.

Alternative Methods of Compliance

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

Special Flight Permits

(i) Under 14 CFR part 39.23, we are prohibiting special flight permits for this AD.

Related Information

(j) Contact Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Part, Burlington, MA 01803; *e-mail*: *robert.green@faa.gov*; telephone (781) 238–7754; fax (781) 238–7199, for more information about this AD.

Issued in Burlington, Massachusetts, on February 12, 2009.

Francis A. Favara,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E9–3609 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0113; Directorate Identifier 2008–NE–25–AD]

RIN 2120–AA64

Airworthiness Directives; Hamilton Sundstrand Propellers Model 247F Propellers

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for Hamilton Sundstrand Propellers model 247F propeller assemblies with certain part number (P/N) and serial number (SN) blades. This proposed AD would require removing affected propeller blades from service. This proposed AD results from reports of blades with corrosion pits in the tulip area of the blades. We are proposing this AD to prevent cracks from developing in the tulip area of the blade, which could result in separation of the blade and possible loss of airplane control.

DATES: We must receive any comments on this proposed AD by April 21, 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.

You can get the service information identified in this proposed AD from Hamilton Sundstrand Propeller Technical Team, One Hamilton Road, Mail Stop 1–3–AB43, Windsor Locks, CT 06096–1010; fax (860) 654–5107.

FOR FURTHER INFORMATION CONTACT: Terry Fahr, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *terry.fahr@faa.gov*; telephone (781) 238–7155; fax (781) 238–7170.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send us any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2009–0113; Directorate Identifier 2008–NE–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

We have received reports of corrosion on 6 propeller blades. A lack of adhesive and primer beyond the end of the compression wrap during manufacturing of certain serial-numbered propeller blades, P/N R817370–1, could result in corrosion pits developing in the tulip area of the propeller blade. This condition, if not corrected, could cause cracks in the tulip area, which could result in separation of the propeller blade and possible loss of airplane control.

Relevant Service Information

We have reviewed and approved the technical contents of Hamilton Sundstrand Service Bulletin 247F–61–54, Revision 1, dated January 12, 2004, that describes procedures for reworking and re-marking the blade with a new P/N.

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. We are proposing this AD, which would require removing propeller blades, P/N R817370–1, with a SN listed in this proposed AD, within 30 days after the effective date of this proposed AD.

Costs of Compliance

We estimate that this proposed AD would affect 25 propellers installed on airplanes of U.S. registry. We also estimate that it would take about 128 work-hours per propeller to perform the proposed actions, and that the average labor rate is $80 per work-hour. Required parts would cost about $50 per propeller. Based on these figures, we estimate the total cost of the proposed AD to U.S. operators to be $257,250.

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. You may get a copy of this summary at the address listed under **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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 adding the following new airworthiness directive:

Hamilton Sundstrand Corporation: Docket No. FAA–2009–0113; Directorate Identifier 2008–NE–25–AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by April 21, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Hamilton Sundstrand model 247F series propellers with blades part number (P/N) 817370–1, serial numbers (SNs) FR2018, FR2083, FR2103, FR2108, FR2109, FR2111, FR2123, FR2178, FR2183, FR2187, FR2262, FR2276 through FR2279, FR2303, and FR2389, installed. These propellers are installed on, but not limited to, ATR–GIE Avions de Transport Regional ATR72–210 and ATR72–210E airplanes.

Unsafe Condition

(d) This AD results from reports of blades with corrosion pits in the tulip area of the blades. We are issuing this AD to prevent cracks from developing in the tulip area of the blade, which could result in separation of the blade and possible loss of airplane control.

Compliance

(e) You are responsible for having the actions required by this AD performed within 30 days after the effective date of this AD.

Removing Blades P/N R817370–1

(f) Remove blades P/N 817370–1, SNs FR2018, FR2083, FR2103, FR2108, FR2109, FR2111, FR2123, FR2178, FR2183, FR2187, FR2262, FR2276 through FR2279, FR2303, and FR2389.

Alternative Methods of Compliance

(g) The Manager, Boston Aircraft Certification Office, 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

(h) Contact Terry Fahr, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; *e-mail*: *terry.fahr@faa.gov*; telephone (781) 238–7155; fax (781) 238–7170, for more information about this AD.

(i) Hamilton Sundstrand Service Bulletin 247F–61–54, Revision 1, dated January 12, 2004, pertains to the subject of this AD. Contact Hamilton Sundstrand Propeller Technical Team, One Hamilton Road, Mail Stop 1–3–AB43, Windsor Locks, CT 06096–1010; fax (860) 654–5107, for a copy of this service information.

Issued in Burlington, Massachusetts, on February 11, 2009.

Peter A. White,

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

[FR Doc. E9–3608 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0612; Directorate Identifier 2008–NM–059–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposed airworthiness directive (AD) for all Boeing Model 747 airplanes. The original NPRM would have required inspecting for cracks in the left- and right-side Stringer 11 longeron adjacent to the horizontal stabilizer pivot bulkhead, and related investigative and corrective actions if necessary. The original NPRM resulted from a report of a crack found in the right-side Stringer 11 longeron horizontal flange, adjacent to the horizontal stabilizer pivot bulkhead, during a routine maintenance inspection. This action revises the original NPRM by reducing the compliance times for certain airplanes. We are proposing this supplemental NPRM to detect and correct fatigue cracking of the longeron, which can propagate and cause damage to the adjacent horizontal stabilizer pivot bulkhead. This damage could result in loss of structural integrity and consequent inability of the bulkhead to carry flight loads, which could adversely affect controllability of the airplane.

DATES: We must receive comments on this supplemental NPRM by March 17, 2009.

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

- *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 AD, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207; telephone 206–544–9990; fax 206–766–5682; e-mail *DDCS@boeing.com;* Internet *https://www.myboeingfleet.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

Examining the AD Docket

You may examine the AD docket 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 AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Ivan Li, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6437; fax (425) 917–6590.

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–2008–0612; Directorate Identifier 2008–NM–059–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 because 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 about this proposed AD.

Discussion

We issued a notice of proposed rulemaking (NPRM) (the ''original NPRM'') to amend 14 CFR part 39 to include an airworthiness directive (AD) that would apply to all Boeing Model 747 airplanes. That original NPRM was published in the **Federal Register** on June 6, 2008 (73 FR 32246). That original NPRM proposed to require inspecting for cracks in the left- and right-side Stringer 11 longeron adjacent to the horizontal stabilizer pivot bulkhead, and related investigative and corrective actions if necessary.

Actions Since Original NPRM Was Issued

Since we issued the original NPRM, we have reviewed Boeing Service Bulletin 747–53A2703, Revision 1, dated September 16, 2008. We referred to Boeing Alert Service Bulletin 747–53A2703, dated February 14, 2008, as the appropriate source of service information for accomplishing the actions specified in the original NPRM. Revision 1 of Boeing Service Bulletin 747–53A2703 is essentially the same as Boeing Alert Service Bulletin 747–53A2703, dated February 14, 2008. However, the compliance times have been reduced for Model 747–400 series airplanes that are converted to the Model 747–400 large cargo freighter (LCF) configuration in Boeing Service Bulletin 747–53A2703, Revision 1, dated September 16, 2008. Boeing analysis shows that airplanes converted to a Model 747–400LCF configuration have increased structural loads. Those airplanes have been moved from Group 1 to new Groups 2 or 3.

The reduced compliance times for the inspections are as follows:

- *For Group 2 airplanes:* Before the accumulation of 16,000 total flight cycles, or within 1,500 flight cycles after the date on the service bulletin, whichever occurs later.
- *For Group 3 airplanes:* Before the accumulation of 13,500 total flight cycles, or within 1,500 flight cycles after the date on the service bulletin, whichever occurs later.

The repetitive interval has been reduced to 2,000 flight cycles.

Comment

We gave the public the opportunity to participate in developing this AD. We considered the comment received.

Request To Increase Work Hours in Costs of Compliance Section

Northwest Airlines (NWA) asks that we increase the work hours specified in the Costs of Compliance section in the original NPRM. NWA states that the estimate of 3 work hours per airplane, as specified in the original NPRM, does not match the work-hour estimate specified in Boeing Alert Service Bulletin 747–53A2703, dated February 14, 2008. NWA notes that Boeing Alert Service Bulletin 747–53A2703 specifies 6 work hours per airplane are necessary to accomplish the recommended inspections.

We do not agree to increase the work-hour estimate specified in the original NPRM. The required action in the original NPRM is doing a surface high frequency eddy current (HFEC) inspection; the open hole HFEC inspection is an on-condition action (related investigative and corrective actions) and might not be necessary, depending on the findings. We recognize that, in doing the actions required by an AD, operators might incur incidental costs in addition to the direct costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs such as the time required to gain access and close up, time necessary for planning, or time necessitated by other administrative actions. Those incidental costs, which might vary significantly among operators, are almost impossible to calculate. We also typically do not include the cost of on-condition actions, although we recognize that doing the on-condition actions imposes additional operational costs. We have not changed the AD in this regard.

Explanation of Change to the Original NPRM

We have added a new paragraph (d) to this supplemental NPRM which includes the Air Transport Association of America (ATA) code, and we have reidentified subsequent paragraphs accordingly.

FAA's Determination and Proposed Requirements of the Supplemental NPRM

We are proposing this supplemental NPRM because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design. The change in compliance times described above expands the scope of the original NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this supplemental NPRM.

Costs of Compliance

We estimate that this proposed AD would affect 165 airplanes of U.S. registry. We also estimate that it would take 3 work-hours per product to comply with this proposed AD. The average labor rate is $80 per work-hour. Based on these figures, we estimate the cost of this proposed AD to the U.S. operators to be $39,600, or $240 per product.

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.

You can find our regulatory evaluation and the estimated costs of compliance in the AD Docket.

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 adding the following new AD:

Boeing: Docket No. FAA–2008–0612; Directorate Identifier 2008–NM–059–AD.

Comments Due Date

(a) We must receive comments by March 17, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes, certificated in any category.

Subject

(d) Air Transport Association (ATA) of America Code 53: Fuselage.

Unsafe Condition

(e) This AD results from a report of a crack found in the right-side Stringer 11 longeron horizontal flange, adjacent to the horizontal stabilizer pivot bulkhead, during a routine maintenance inspection. We are issuing this AD to detect and correct fatigue cracking of the longeron, which can propagate and cause damage to the adjacent horizontal stabilizer pivot bulkhead. This damage could result in loss of structural integrity and consequent inability of the bulkhead to carry flight loads, which could adversely affect controllability of the airplane.

Compliance

(f) Comply with this AD within the compliance times specified, unless already done.

Inspection/Related Investigative and Corrective Actions

(g) Except as provided by paragraph (h) of this AD: At the applicable times specified in paragraph 1.E. of Boeing Service Bulletin 747–53A2703, Revision 1, dated September 16, 2008, do a surface high frequency eddy current (HFEC) inspection for cracks in the left- and right-side Stringer 11 longeron exposed surfaces and edges between Station 2598 and 2607 adjacent to the horizontal stabilizer pivot bulkhead; and do all applicable related investigative and corrective actions before further flight, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2703, Revision 1, dated September 16, 2008, except as provided by paragraph (h) of this AD.

Exception to Compliance Times

(h) Where Boeing Service Bulletin 747–53A2703, Revision 1, dated September 16, 2008, specifies counting the compliance time from ''* * * the date on this service bulletin,'' this AD requires counting the compliance time from the effective date of this AD.

Exception to Corrective Actions

(i) If any crack is found during any inspection required by this AD, and Boeing Service Bulletin 747–53A2703, Revision 1, dated September 16, 2008, specifies to contact Boeing for appropriate action: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, ATTN: Ivan Li, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle ACO, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6437; fax (425) 917–6590 has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

Issued in Renton, Washington, on January 30, 2009.

Stephen P. Boyd,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–3614 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0046; Directorate Identifier 2008–NE–05–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Canada Corp. (P&WC) Models PW305A and PW305B 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:

P&WC has determined that the Post-Service Bulletin (SB) PW300–72-24287 High Pressure Compressor (HPC) drum rotor assemblies P/N 30B2478 and 30B2542 on PW 305A and 305B engines with single stage coated labyrinth seals, are susceptible to developing significant cracks in the region of the labyrinth seal.

We are proposing this AD to detect cracks in the HPC drum rotor assembly, which could lead to an uncontained failure of the drum rotor assembly and damage to the airplane.

DATES: We must receive comments on this proposed AD by March 23, 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: 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 about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2009–0046; Directorate Identifier 2008–NE–05–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

Transport Canada, which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2007–25R1, dated February 13, 2008 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> P&WC has determined that the Post-Service Bulletin (SB) PW300–72–24287 High Pressure Compressor (HPC) drum rotor assemblies P/N 30B2478 and 30B2542 on PW 305A and 305B engines with single stage coated labyrinth seals, are susceptible to developing significant cracks in the region of the labyrinth seal.
>
> P&WC issued SB PW300–72–24462 for initial inspection of affected HPC drum rotor assemblies for cracks. In addition, the PW305 Maintenance Manual (MM) 05–20–00 was revised (Revision No. 26) accordingly, to add requirement for repeat inspection interval. A new P/N 31B6325–01, HPC drum rotor assembly, which is not susceptible to subject cracking, is made available through SB PW300–72–24376, as terminating action for the required repeat inspection.
>
> Recent data (Ref: SIL: PW300–093) indicate that a number of high-time Pre-SB–PW300–72–24376 HPC drum rotor assemblies (P/N 30B2478 and 30B2542), with potential for a hazardous disk failure in consequence of non-compliance with the inspection requirements, are still in-service. This AD is issued to mandate the inspection of the affected P/N 30B2478 and 30B2542 HPC drum rotor assemblies in accordance with PW305–MM–05–20–00 requirements.

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

Relevant Service Information

Pratt & Whitney Canada Corp. has issued Service Bulletin PW300–72–24462, dated December 13, 1999. 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 Canada, and is approved for operation in the United States. Pursuant to our bilateral agreement with Canada, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all the information provided by Canada and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 540 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 $5,000 per product. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $3,132,000. 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:

Pratt & Whitney Canada Corp.: Docket No. FAA–2009–0046; Directorate Identifier 2008–NE–05–AD.

Comments Due Date

(a) We must receive comments by March 23, 2009.

Affected Airworthiness Directives (ADs)

(b) None.

Applicability

(c) This AD applies to Pratt & Whitney Canada Corp. (P&WC) Models PW305A and PW305B turbofan engines with high pressure compressor (HPC) drum rotor assemblies, post P&WC Service Bulletin (SB) PW300–72–24287 but without P&WC SB PW300–72–24376, installed. These engines are installed on, but not limited to, Bombardier Learjet M60 and Hawker Beechcraft 1000 series airplanes.

Reason

(d) P&WC has determined that the Post-Service Bulletin (SB) PW300–72–24287 High Pressure Compressor (HPC) drum rotor assemblies P/N 30B2478 and 30B2542 on PW305A and 305B engines with single stage coated labyrinth seals, are susceptible to developing significant cracks in the region of the labyrinth seal.

We are issuing this AD to detect cracks in the HPC drum rotor assembly, which could lead to an uncontained failure of the drum rotor assembly and damage to the airplane.

Actions and Compliance

(e) Unless already done, do the following actions.

(1) Within 500 flight hours after effective date of this directive, borescope-inspect the interiors of affected HPC rotor assemblies for cracks. If a crack is found, remove the engine before next flight for HPC drum rotor replacement. Pratt & Whitney Maintenance Manual, Chapter 72–00–00, contains information about borescope inspection.

Credit for Previous Inspections

(2) Inspection of affected HPC drum rotor assembly per P&WC SB PW300–72–24462 and or SB PW305 MM 05–20–00 inspection requirements prior to the effective date of this directive satisfies the requirements of paragraph (e)(1) of this AD.

(3) Repeat borescope inspection per paragraph (e)(1) of this AD, at intervals not exceeding 1,350 flight cycles. If a crack is found, remove the engine before next flight for HPC rotor drum replacement.

Optional Terminating Action

(4) Replacement of the affected HPC rotor assembly P/N 30B2478 or 30B2542 with Post-SB PW300–72–24376 assembly P/N 31B6325–01 or later superseding P/N, will constitute terminating action for the inspection requirements of the above paragraphs (e)(1) and (e)(2) of the corrective action requirements of this AD.

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 Canadian Airworthiness Directive CF–2007–25R1, dated February 13, 2008, and P&WC SB PW300–72–24462, dated December 13, 1999, for related information. Contact Pratt & Whitney Canada Corp., 1000 Marie-Victorin, Longueuil, Quebec, Canada J4G 1A1, *telephone:* (800) 268–8000, for a copy of this service information.

(h) 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 February 13, 2009.

Peter A. White,

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

[FR Doc. E9–3622 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1, 30, and 140

RIN 3038–AC72

Acknowledgment Letters for Customer Funds and Secured Amount Funds

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission (''Commission'' or ''CFTC'') is proposing to amend its regulations regarding the required content of the acknowledgment letter that a registrant must obtain from any depository holding its segregated customer funds or funds of foreign futures or foreign options customers, and certain technical changes.

DATES: Submit comments on or before March 23, 2009.

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

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Agency Web Site: http://www.cftc.gov*. Follow the instructions for submitting comments on the Web site.
- *E-mail: secretary@cftc.gov*. Include the RIN number in the subject line of the message.
- *Fax:* 202–418–5521.
- *Mail:* David A. Stawick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.
- *Hand Delivery/Courier:* Same as mail above.

FOR FURTHER INFORMATION CONTACT: Eileen A. Donovan, Special Counsel, 202–418–5096, *edonovan@cftc.gov*; Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Background

Regulation 1.20 (17 CFR 1.20) requires futures commission merchants (FCMs) that accept customer funds and derivatives clearing organizations (DCOs) that accept customer funds from FCMs to segregate and separately account for those funds.[1] Currently, Regulation 1.20 requires such FCMs and DCOs to obtain from the bank, trust company, FCM or DCO holding customer funds in the capacity of a depository (each, a ''Depository'') a written acknowledgment that the Depository was informed that the customer funds deposited therein are those of commodity or option customers and are being held in accordance with the provisions of the Commodity Exchange Act (Act)[2] and CFTC

[1] *See* 17 CFR 1.3(gg) (defining the term ''customer funds'').

[2] 7 U.S.C. 1 *et seq.*

regulations.[3] Regulation 1.26 (17 CFR 1.26), which requires FCMs and DCOs to segregate and separately account for instruments purchased with customer funds, repeats the requirement to obtain an acknowledgment letter. FCMs also must obtain a similar written acknowledgment from Depositories holding ''secured amount'' funds[4] required under Regulation 30.7 (17 CFR 30.7), which governs the treatment of money, securities, and property held for or on behalf of the FCM's foreign futures and foreign options customers.

The proposed amendments to Regulations 1.20, 1.26, and 30.7 set out specific representations that would be required in these acknowledgment letters in order to reaffirm and clarify the obligations Depositories incur when accepting customer funds or secured amount funds. The Commission also is proposing several technical changes to Regulations 1.20, 1.26, 30.7, and 140.91. The Commission invites public comment on all aspects of the proposed regulations.

II. Discussion of the Proposed Regulations

A. Regulations 1.20 and 1.26

The Commission is proposing to add paragraphs (d) and (e) to Regulation 1.20 to set out specific representations that Depositories would have to include in the acknowledgment letter required by paragraphs (a) and (b) of the regulation. Proposed paragraph (d) concerns the letter required by paragraph (a), which applies to customer funds being held for an FCM by a bank, trust company, DCO or another FCM. Proposed paragraph (e) concerns the letter required by paragraph (b), which applies to customer funds being held for a DCO by a bank or trust company.

Proposed paragraphs (d)(1)(i) and (e)(1)(i) require the Depository to acknowledge that the FCM or DCO, respectively, has established the account for the purpose of depositing customer funds. The FCM or DCO may have other accounts, in addition to the customer account, with the same Depository, and therefore the Depository must recognize that the funds being deposited in this particular account belong not to the FCM or DCO, but to customers.

Proposed paragraphs (d)(1)(ii) and (e)(1)(ii) require the Depository to acknowledge that the customer funds deposited therein are those of commodity or option customers of the FCM, or clearing members of the DCO, respectively, and that those funds are to be segregated in accordance with the provisions of the Act and Part 1 of the CFTC regulations. These provisions would reaffirm the Depository's obligation to segregate customer funds from any other funds that the Depository may hold on behalf of the FCM or DCO.

Proposed paragraphs (d)(1)(iii) and (e)(1)(iii) require the Depository to acknowledge that the customer funds shall not be subject to any right of offset, or lien, for or on account of any indebtedness, obligations or liabilities owed by the FCM or DCO, respectively. The FCM or DCO may hold other non-customer funds with the Depository that do not carry such restrictions.

Proposed paragraphs (d)(1)(iv) and (e)(1)(iv) require the Depository to acknowledge that it must treat the customer funds in accordance with the Act and CFTC regulations. These provisions restate requirements currently included in paragraphs (a) and (b), respectively.

Proposed paragraphs (d)(1)(v) and (e)(1)(v) require the Depository to acknowledge that it must immediately release the customer funds upon proper notice and instruction from the FCM or DCO, respectively, or from the Commission. The Commission is not proposing specific standards for what constitutes ''proper notice.'' This is because reasonable actions could vary, depending on the situation. For example, in certain circumstances, it may not be possible to expeditiously provide written notice, and a telephone call would be sufficient and even preferable. The Commission recognizes that the release of funds may be delayed by practical considerations—for example, electronic transfers may not be possible if the Fedwire is unavailable. But the Depository must make every effort to execute the transfer as soon as possible. The transfer of customer funds from a segregated account cannot be delayed due to concerns about the financial status of the FCM or DCO that deposited the funds.

Proposed paragraphs (d)(1)(vi) and (e)(1)(vi) require the Depository to acknowledge that the FCM or DCO has informed the Depository that the FCM or DCO will provide the Commission with a copy of the written acknowledgment.

Proposed paragraphs (d)(2) and (e)(2) require the written acknowledgment to include the account number for each account covered by the acknowledgment. If multiple accounts are covered by a single written acknowledgment, the account numbers may be listed on an attachment to the written acknowledgment.

Proposed paragraphs (d)(3) and (e)(3) require that a copy of the written acknowledgment be filed with the regional office of the Commission with jurisdiction over the state in which the FCM's or DCO's principal place of business is located.

The proposed changes to Regulation 1.26 would affirm that the written acknowledgment required for instruments in which customer funds are invested is identical to the written acknowledgment required under Regulation 1.20 and therefore must meet the requirements set out in Regulation 1.20.

B. Regulation 30.7

The Commission is proposing to amend Regulation 30.7 to set out specific representations that Depositories holding secured amount funds would have to include in the acknowledgment letter required by the regulation.[5]

Proposed paragraph (c)(2)(i)(A) requires the Depository to affirm that it meets the requirement set out in Regulation 30.7(c)(1). Regulation 30.7(c)(1) lists the types of depositories that may accept secured amount funds.

Proposed paragraph (c)(2)(i)(B) requires the Depository to acknowledge that the FCM has established the account for the purpose of depositing money, securities, or property for or on behalf of customers that include, but are not limited to, foreign futures and foreign options customers. The FCM may have other accounts, in addition to the secured amount account, with the same Depository, and therefore the Depository must recognize that the funds being deposited in this particular account are obligated not to the FCM but to the FCM's foreign futures and foreign options customers.

Proposed paragraph (c)(2)(i)(C) requires the Depository to acknowledge that the money, securities, or property deposited therein are held on behalf of foreign futures and foreign options customers of the FCM and may not be commingled with the FCM's own funds or any other funds that the Depository may hold, in accordance with the provisions of the Act and Part 30 of the CFTC regulations. This provision would reaffirm the Depository's obligation to keep the money, securities, or property held for the FCM's foreign futures and options customers separate from any

[3] 17 CFR Parts 1–199.

[4] *See* 17 CFR 1.3(rr) (defining the term ''foreign futures or foreign options secured amount'').

[5] The Commission has issued an interpretative statement with respect to the secured amount requirement set forth in Regulation 30.7. *See* 17 CFR Part 30, App. B.

other funds that the Depository may hold on behalf of the FCM, including those customer funds required to be separately accounted for and segregated under Section 4d of the Act.[6]

Proposed paragraph (c)(2)(i)(D) requires the Depository to acknowledge that the money, securities, or property shall not be subject to any right of offset, or lien, for or on account of any indebtedness, obligations or liabilities owed by the FCM. The FCM may hold other funds with the Depository that do not carry such restrictions.

Proposed paragraph (c)(2)(i)(E) requires the Depository to acknowledge that it must treat the money, securities, or property in accordance with the provisions of the Act and CFTC regulations. Under this provision, the Depository must recognize not only the prohibition against commingling referenced in proposed paragraph (c)(2)(ii), but all of its legal obligations as a holder of customer money, securities, or property.

Proposed paragraph (c)(2)(i)(F) requires the Depository to acknowledge that it must release immediately, subject to requirements of applicable foreign law,[7] the money, securities, or property upon proper notice and instruction from the FCM or the Commission. The Commission is not proposing specific standards for what constitutes ''proper notice.'' This is because reasonable actions could vary, depending on the situation. For example, in certain circumstances, it may not be possible to expeditiously provide written notice, and a telephone call would be sufficient and even preferable. The Commission recognizes that the release of money, securities, or property may be delayed by practical considerations—for example, electronic transfers may not be possible if the Fedwire is unavailable. But the Depository must make every effort to execute the transfer as soon as possible. The transfer cannot be delayed due to concerns about the financial status of the FCM that deposited the money, securities, or property.

Proposed paragraph (c)(2)(i)(G) requires the Depository to acknowledge that the FCM has informed the Depository that the FCM will provide the Commission with a copy of the written acknowledgment.

Proposed paragraph (c)(2)(ii) requires the written acknowledgment to include the account number for each account covered by the acknowledgment. If multiple accounts are covered by a single written acknowledgment, the account numbers may be listed on an attachment to the written acknowledgment.

Proposed paragraph (c)(2)(iii) requires the FCM to file a copy of the written acknowledgment with the regional office of the Commission with jurisdiction over the state in which the FCM's principal place of business is located.

C. Technical Amendments

Regulation 1.20(a) imposes upon ''[e]ach registrant'' the requirement to obtain and retain a written acknowledgment when customer funds are deposited with ''any bank, trust company, clearing organization, or another futures commission merchant.'' Regulation 1.20(a) applies to FCMs, as distinguished from Regulation 1.20(b), which applies to DCOs. Therefore, the Commission proposes to substitute the term ''futures commission merchant'' for the term ''registrant'' to more accurately reflect the intent and meaning of Regulation 1.20(a). In connection with this, the Commission further proposes to insert the word ''other'' before the term ''futures commission merchant'' that appears subsequently in the same sentence, to distinguish between the FCM holding the funds of its own customers and an FCM holding customer funds of another FCM.

Regulations 1.20, 1.26, and 30.7 currently require that acknowledgment letters be retained for the period specified in Regulation 1.31, which applies to all recordkeeping required by the Act and CFTC regulations. Regulation 1.31 requires records to be kept for five years and to be readily accessible for the first two years of that five-year period. The proposed revisions would make clear that an acknowledgment letter is to be kept readily accessible for as long as the account remains open and that the retention requirements that would otherwise apply under Regulation 1.31 would only take effect once the account has been closed. For example, if the account remains open for ten years, the letter must be kept readily accessible for twelve years (the ten years during which the account is open plus the two years required by Regulation 1.31) and then for an additional three years, also as required by Regulation 1.31.

Regulations 1.20 and 1.26 use the term ''clearing organization'' to describe an entity that performs clearing functions. The Act, as amended by the Commodity Futures Modernization Act of 2000,[8] now provides that a clearing organization for a contract market must register as a ''derivatives clearing organization.''[9] To be consistent with the Act and other CFTC regulations, the Commission proposes to replace the term ''clearing organization,'' wherever it appears in Regulations 1.20 and 1.26, with the term ''derivatives clearing organization.''

Finally, the Commission also is proposing technical amendments to Regulation 140.91 to explicitly delegate to the Director of the Division of Clearing and Intermediary Oversight the authority to perform certain functions that are reserved to the Commission under the proposed changes to Regulations 1.20 and 30.7. Thus, for example, the Director of the Division of Clearing and Intermediary Oversight would have delegated authority to instruct the Depository to release customer funds or secured amount funds.

D. Proposed Effective Date

FCMs and DCOs will need to obtain new acknowledgment letters that comply with the proposed regulations before the final regulations take effect. The Commission recognizes the need for time to obtain the letters; therefore, the proposed effective date of the amendments to Regulations 1.20, 1.26, and 30.7 is 180 days from the date of publication of the final regulations in the **Federal Register**.

III. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA'')[10] requires Federal agencies, in promulgating regulations, to consider the impact of those regulations on small businesses. The amendments adopted herein will affect FCMs and DCOs. The Commission has previously established certain definitions of ''small entities'' to be used by the Commission in

[6] *See* 17 CFR 30.7(d).

[7] The Commission notes that under the laws of some foreign countries, immediate release of customer funds may not always be possible. Regulation 30.6(a) (17 CFR 30.6(a)) requires FCMs to furnish customers with a separate written disclosure statement containing the language set forth in Regulation 1.55(b) (17 CFR 1.55(b)). Regulation 1.55(b)(7) states in relevant part:

No domestic organization regulates the activities of a foreign exchange * * * and no domestic regulator has the power to compel enforcement of the rules of the foreign exchange or the laws of the foreign country. Moreover, such laws or regulations will vary depending on the foreign country in which the transaction occurs. * * * [F]unds received from customers to margin foreign futures transactions may not be provided the same protections as funds received to margin futures transactions on domestic exchanges.

[8] Appendix E of Public Law 106–554, 114 Stat. 2763 (2000).

[9] *See* Section 5b of the Act, 7 U.S.C. 7a–1. *See also* Section 1a(9) of the Act, 7 U.S.C. 1a(9) (defining the term ''derivatives clearing organization'').

[10] 5 U.S.C. 601 *et seq.*

evaluating the impact of its regulations on small entities in accordance with the RFA.[11] The Commission has previously determined that FCMs [12] and DCOs [13] are not small entities for the purpose of the RFA. Accordingly, pursuant to 5 U.S.C. 605(b), the Acting Chairman, on behalf of the Commission, certifies that the proposed regulations will not have a significant economic impact on a substantial number of small entities.

B. Paperwork Reduction Act

The Paperwork Reduction Act (''PRA'') [14] imposes certain requirements on Federal agencies in connection with their conducting or sponsoring any collection of information as defined by the PRA. The regulations to be amended under this proposal are part of an approved collection of information (OMB Control No. 3038–0024). The proposed amendments would not result in any material modification to this approved collection. Accordingly, for purposes of the PRA, the Commission certifies that these proposed amendments, if promulgated in final form, would not impose any new reporting or recordkeeping requirements.

C. Cost-Benefit Analysis

Section 15(a) of the Act requires that the Commission, before promulgating a regulation under the Act or issuing an order, consider the costs and benefits of its action. By its terms, Section 15(a) does not require the Commission to quantify the costs and benefits of a new regulation or determine whether the benefits of the regulation outweigh its costs. Rather, Section 15(a) simply requires the Commission to ''consider the costs and benefits'' of its action.

Section 15(a) further specifies that costs and benefits shall be evaluated in light of the following considerations: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. Accordingly, the Commission could, in its discretion, give greater weight to any one of the five considerations and could, in its discretion, determine that, notwithstanding its costs, a particular regulation was necessary or appropriate to protect the public interest or to effectuate any of the provisions or to accomplish any of the purposes of the Act.

The Commission has evaluated the costs and benefits of the proposed regulations in light of the specific considerations identified in Section 15(a) of the Act, as follows:

1. *Protection of market participants and the public.* The proposed regulations would benefit FCMs and DCOs, as well as customers of the futures and options markets, by reaffirming the legal obligation of Depositories holding customer funds or secured amount funds to treat those funds in accordance with the requirements of the Act and CFTC regulations.

2. *Efficiency and competition.* The proposed regulations are not expected to have an effect on efficiency or competition.

3. *Financial integrity of futures markets and price discovery.* The proposed regulations would enhance and strengthen the protection of customer funds and secured amount funds, thus contributing to the financial integrity of the futures and options markets as a whole. This, in turn, would further support the price discovery and risk transfer functions of such markets.

4. *Sound risk management practices.* The proposed regulations would reinforce the sound risk management practices already required of FCMs and DCOs holding customer funds or secured amount funds.

5. *Other public considerations.* Requiring specific representations in a Depository's written acknowledgment would reduce the likelihood that the Depository would misinterpret its obligations in connection with the safekeeping and administration of customer funds and secured amount funds.

Accordingly, after considering the five factors enumerated in the Act, the Commission has determined to propose the regulations set forth below.

List of Subjects

17 CFR Parts 1 and 30

Commodity futures, Consumer protection.

17 CFR Part 140

Authority delegations (Government agencies), Conflict of interests, Organization and functions (Government agencies).

For the reasons stated in the preamble, the Commission proposes to amend 17 CFR parts 1, 30, and 140 as follows:

PART 1—GENERAL REGULATIONS

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

Authority: 7 U.S.C. 1a, 2, 5, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 6p, 7, 7a, 7b, 8, 9, 12, 12a, 12c, 13a, 13a–1, 16, 16a, 19, 21, 23, and 24, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

2. Revise § 1.20 to read as follows:

§ 1.20 Customer funds to be segregated and separately accounted for.

(a) All customer funds shall be separately accounted for and segregated as belonging to commodity or option customers. Such customer funds when deposited with any bank, trust company, derivatives clearing organization or another futures commission merchant shall be deposited under an account name which clearly identifies them as such and shows that they are segregated as required by the Act and this part. Each futures commission merchant shall obtain and maintain readily accessible in its files, for as long as the account remains open, and thereafter for the period provided in § 1.31, a written acknowledgment from such bank, trust company, derivatives clearing organization, or other futures commission merchant, in accordance with the requirements of paragraph (d) of this section: *Provided, however,* that an acknowledgment need not be obtained from a derivatives clearing organization that has adopted and submitted to the Commission rules that provide for the segregation as customer funds, in accordance with all relevant provisions of the Act and the rules and orders promulgated thereunder, of all funds held on behalf of customers. Under no circumstances shall any portion of customer funds be obligated to a derivatives clearing organization, any member of a contract market, a futures commission merchant, or any depository except to purchase, margin, guarantee, secure, transfer, adjust or settle trades, contracts or commodity option transactions of commodity or option customers. No person, including any derivatives clearing organization or any depository, that has received customer funds for deposit in a segregated account, as provided in this section, may hold, dispose of, or use any such funds as belonging to any person other than the option or commodity customers of the futures commission merchant which deposited such funds.

(b) All customer funds received by a derivatives clearing organization from a member of the derivatives clearing

[11] 47 FR 18618 (Apr. 30, 1982).

[12] *Id.* at 18619.

[13] 66 FR 45604, 45609 (Aug. 29, 2001).

[14] 44 U.S.C. 3501 *et seq.*

organization to purchase, margin, guarantee, secure or settle the trades, contracts or commodity options of the clearing member's commodity or option customers and all money accruing to such commodity or option customers as the result of trades, contracts or commodity options so carried shall be separately accounted for and segregated as belonging to such commodity or option customers, and a derivatives clearing organization shall not hold, use or dispose of such customer funds except as belonging to such commodity or option customers. Such customer funds when deposited in a bank or trust company shall be deposited under an account name which clearly shows that they are the customer funds of the commodity or option customers of clearing members, segregated as required by the Act and these regulations. The derivatives clearing organization shall obtain and maintain readily accessible in its files, for as long as the account remains open, and thereafter for the period provided in § 1.31, a written acknowledgment from such bank or trust company, in accordance with the requirements of paragraph (e) of this section.

(c) Each futures commission merchant shall treat and deal with the customer funds of a commodity customer or of an option customer as belonging to such commodity or option customer. All customer funds shall be separately accounted for, and shall not be commingled with the money, securities or property of a futures commission merchant or of any other person, or be used to secure or guarantee the trades, contracts or commodity options, or to secure or extend the credit, of any person other than the one for whom the same are held: *Provided, however,* That customer funds treated as belonging to the commodity or option customers of a futures commission merchant may for convenience be commingled and deposited in the same account or accounts with any bank or trust company, with another person registered as a futures commission merchant, or with a derivatives clearing organization, and that such share thereof as in the normal course of business is necessary to purchase, margin, guarantee, secure, transfer, adjust, or settle the trades, contracts or commodity options of such commodity or option customers or resulting market positions, with the derivatives clearing organization or with any other person registered as a futures commission merchant, may be withdrawn and applied to such purposes, including the payment of premiums to option grantors, commissions, brokerage, interest, taxes, storage and other fees and charges, lawfully accruing in connection with such trades, contracts or commodity options: *Provided, further,* That customer funds may be invested in instruments described in § 1.25.

(d)(1) The written acknowledgment made by a bank, trust company, derivatives clearing organization or other futures commission merchant, as required under paragraph (a) of this section, shall include the following representations:

(i) That the futures commission merchant has established the account for the purpose of depositing customer funds;

(ii) That the customer funds deposited therein are those of commodity or option customers of the futures commission merchant and shall be segregated from the futures commission merchant's own funds in accordance with the provisions of the Act and this part;

(iii) That the customer funds shall not be subject to any right of offset, or lien, for or on account of any indebtedness, obligations or liabilities owed by the futures commission merchant;

(iv) That the customer funds shall be treated in accordance with the provisions of the Act and Commission regulations;

(v) That the customer funds shall be released immediately upon proper notice and instruction from the futures commission merchant or the Commission; and

(vi) That the futures commission merchant has informed the bank, trust company, derivatives clearing organization, or other futures commission merchant that the futures commission merchant will provide the Commission with a copy of the written acknowledgment.

(2) The written acknowledgment shall include the account number for each account covered by the acknowledgment.

(3) The futures commission merchant shall file a copy of the written acknowledgment with the regional office of the Commission with jurisdiction over the state in which the futures commission merchant's principal place of business is located.

(e)(1) The written acknowledgment made by a bank or trust company, as required under paragraph (b) of this section, shall include the following representations:

(i) That the derivatives clearing organization has established the account for the purpose of depositing customer funds;

(ii) That the customer funds deposited therein are those of commodity or option customers of clearing members and shall be segregated from the derivatives clearing organization's own funds in accordance with the provisions of the Act and this part;

(iii) That the customer funds shall not be subject to any right of offset, or lien, for or on account of any indebtedness, obligations or liabilities owed by the derivatives clearing organization;

(iv) That the customer funds shall be treated in accordance with the provisions of the Act and Commission regulations;

(v) That the customer funds shall be released immediately upon proper notice and instruction from the derivatives clearing organization or the Commission; and

(vi) That the derivatives clearing organization has informed the bank or trust company that it will provide the Commission with a copy of the written acknowledgment.

(2) The written acknowledgment shall include the account number for each account covered by the acknowledgment.

(3) The derivatives clearing organization shall file a copy of the written acknowledgment with the regional office of the Commission with jurisdiction over the state in which the derivatives clearing organization's principal place of business is located.

3. Revise § 1.26 to read as follows:

§ 1.26 Deposit of instruments purchased with customer funds.

(a) Each futures commission merchant who invests customer funds in instruments described in § 1.25 shall separately account for such instruments and segregate such instruments as belonging to such commodity or option customers. Such instruments, when deposited with a bank, trust company, derivatives clearing organization or another futures commission merchant, shall be deposited under an account name which clearly shows that they belong to commodity or option customers and are segregated as required by the Act and this part. Each futures commission merchant upon opening such an account shall obtain and maintain readily accessible in its files, for as long as the account remains open, and thereafter for the period provided in § 1.31, a written acknowledgment from such bank, trust company, derivatives clearing organization or other futures commission merchant, in accordance with the requirements of paragraph (d) of § 1.20: *Provided, however,* that an acknowledgment need not be obtained

from a derivatives clearing organization that has adopted and submitted to the Commission rules that provide for the segregation as customer funds, in accordance with all relevant provisions of the Act and the rules and orders promulgated thereunder, of all funds held on behalf of customers and all instruments purchased with customer funds. Such bank, trust company, derivatives clearing organization or other futures commission merchant shall allow inspection of such instruments at any reasonable time by representatives of the Commission.

(b) Each derivatives clearing organization which invests money belonging or accruing to commodity or option customers of its clearing members in instruments described in § 1.25 shall separately account for such instruments and segregate such instruments as belonging to such commodity or option customers. Such instruments, when deposited with a bank or trust company, shall be deposited under an account name which will clearly show that they belong to commodity or option customers and are segregated as required by the Act and this part. Each derivatives clearing organization upon opening such an account shall obtain and maintain readily accessible in its files, for as long as the account remains open, and thereafter for the period provided in § 1.31, a written acknowledgment from such bank or trust company, in accordance with the requirements of paragraph (e) of § 1.20. Such bank or trust company shall allow inspection of such instruments at any reasonable time by representatives of the Commission.

PART 30—FOREIGN FUTURES AND OPTIONS TRANSACTIONS

4. The authority citation for part 30 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 6, 6c, and 12a, unless otherwise noted.

5. Revise paragraph (c)(2) of § 30.7 to read as follows:

§ 30.7 Treatment of foreign futures or foreign options secured amount.

* * * * *

(c) * * *

(2)(i) Each futures commission merchant must obtain and maintain readily accessible in its files, for as long as the account remains open, and thereafter for the period provided in § 1.31, a written acknowledgment from such depository that shall include the following representations:

(A) That the depository meets the requirement set out in § 30.7(c)(1);

(B) That the futures commission merchant has established the account for the purpose of depositing money, securities, or property for or on behalf of customers that include, but are not limited to, foreign futures and foreign options customers;

(C) That the money, securities, or property deposited therein are held for or on behalf of customers that include, but are not limited to, foreign futures and foreign options customers of the futures commission merchant and may not be commingled with the futures commission merchant's own funds or any other funds that the depository may hold, in accordance with the provisions of the Act and this part;

(D) That the money, securities, or property shall not be subject to any right of offset, or lien, for or on account of any indebtedness, obligations or liabilities owed by the futures commission merchant;

(E) That the money, securities, or property shall be treated in accordance with the provisions of the Act and Commission regulations;

(F) That the money, securities, or property shall be released immediately, subject to requirements of applicable foreign law, upon proper notice and instruction from the futures commission merchant or the Commission; and

(G) That the futures commission merchant has informed the depository that the futures commission merchant will provide the Commission with a copy of the written acknowledgment.

(ii) The written acknowledgment shall include the account number for each account covered by the acknowledgment.

(iii) The futures commission merchant shall file a copy of the written acknowledgment with the regional office of the Commission with jurisdiction over the state in which the futures commission merchant's principal place of business is located.

* * * * *

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

6. The authority citation for part 140 continues to read as follows:

Authority: 7 U.S.C. 2 and 12a.

7. In § 140.91, redesignate paragraph (a)(8) as paragraph (a)(10) and paragraph (a)(7) as paragraph (a)(8); and add new paragraphs (a)(7) and (a)(9) to read as follows:

§ 140.91 Delegation of authority to the Director of the Division of Clearing and Intermediary Oversight.

(a) * * *

(7) All functions reserved to the Commission in § 1.20 of this chapter.

* * * * *

(9) All functions reserved to the Commission in § 30.7 of this chapter.

* * * * *

Issued in Washington, DC, on February 13, 2009 by the Commission.

David A. Stawick,

Secretary of the Commission.

[FR Doc. E9–3551 Filed 2–19–09; 8:45 am]

BILLING CODE 6351–01–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1612

Government in the Sunshine Act Regulations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Equal Employment Opportunity Commission is proposing to revise the method of public announcement of agency meetings subject to the Government in the Sunshine Act.

DATES: The agency must receive comments on or before April 21, 2009.

ADDRESSES: Written comments should be submitted to Stephen Llewellyn, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, Room 6NE03F, 131 M Street, NE., Washington, DC 20507. As a convenience to commentators, the Executive Secretariat will accept comments totaling six or fewer pages by facsimile (''FAX'') machine. This limitation is necessary to assure access to the equipment. The telephone number of the FAX receiver is (202) 663–4114. (This is not a toll-free number.) Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663–4070 (voice) or (202) 663–4074 (TTD). (These are not toll-free telephone numbers.) You may also submit comments and attachments electronically at *http://www.regulations.gov*, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments. Copies of comments submitted by the public can be reviewed at *http://www.regulations.gov* or by appointment at the Commission's library, 131 M Street, NE., Washington, DC 20507 between the hours of 9:30 a.m. and 5 p.m. (call 202–663–4630

(voice) or 202–663–4641 (TTY) to schedule an appointment).

FOR FURTHER INFORMATION CONTACT: Thomas J. Schlageter, Assistant Legal Counsel, or Mona Papillon, Senior General Attorney, at (202) 663–4640 (voice) or (202) 663–7026 (TTY). Copies of this NPRM are also available in the following alternate formats: large print, braille, audiotape and electronic file on computer disk. Requests for this NPRM in an alternative format should be made to EEOC's Publication Center at 1–800–669–3362 (voice) or 1–800–800–3302 (TTY).

SUPPLEMENTARY INFORMATION: Under the Government in the Sunshine Act, 5 U.S.C. 552b, the EEOC is required to give public announcement of Commission meetings. The Commission's Sunshine Act regulations specify that such announcements will be made by recorded telephone message and posting in the lobby of its headquarters. In November and December 2008, the Commission's headquarters and the Washington Field Office (WFO) moved from 1801 L Street, NW., Washington, DC 20507 to 131 M Street, NE., Washington, DC 20507. Because the new location is a multi-tenant building and the landlord prohibits the posting of tenant announcements in the lobby, the Commission is proposing to post announcements of public meetings on the agency's public Web site instead of posting them in the lobby. Thus, the regulation would require public announcement by recorded telephone message and posting on the EEOC's Web site instead of by recorded telephone message and posting in the EEOC's lobby.

Regulatory Procedures

Executive Order 12866

This is not a ''significant regulatory action'' within the meaning of section 3 of Executive Order 12866.

Paperwork Reduction Act

This regulation contains no new information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

Regulatory Flexibility Act

The Commission certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because the rule does not have any economic impact. The regulation affects only the means by which the EEOC will issue public notices of its meetings. Thus, a regulatory flexibility analysis is not required.

Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This action concerns agency organization, procedure or practice that does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a ''rule'' as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 29 CFR Part 1612

Government in the Sunshine Act, Equal Employment Opportunity.

For the Commission.

Stuart J. Ishimaru,

Acting Chairman.

Accordingly, for the reasons set forth in the preamble, the Equal Employment Opportunity Commission proposes to amend 29 CFR part 1612 as follows:

PART 1612—GOVERNMENT IN THE SUNSHINE ACT REGULATIONS

1. The authority citation for Part 1612 continues to read as follows:

Authority: 5 U.S.C. 552b, sec 713, 78 Stat. 265; 42 U.S.C. 2000e–12.

2. In § 1612.7, revise paragraph (a) to read as follows:

§ 1612.7 Public announcement of agency meetings.

(a) Public announcement of each meeting by the agency shall be accomplished by recorded telephone message at telephone number 202–663–7100 (between the hours of 9 a.m. and 5 p.m. e.t.), and by posting such announcements on the Commission's public Web site located at *http://www.eeoc.gov* not later than one week prior to commencement of a meeting or the commencement of the first meeting in a series of meetings, except as otherwise provided in this section, and shall disclose:

(1) The time of the meeting.

(2) The place of the meeting.

(3) The subject matter of each portion of the meeting or series of meetings.

(4) Whether any portion(s) of a meeting will be open or closed to public observation.

(5) The name and telephone number of an official designated to respond to requests for information about the meeting.

* * * * *

[FR Doc. E9–3671 Filed 2–19–09; 8:45 am]

BILLING CODE 6570–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2009–0051]

RIN 1625–AA09

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW), Scotts Hill, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the drawbridge operation regulations of the Figure Eight Swing Bridge, at AIWW mile 278.1, at Scotts Hill, NC. This proposal would allow for the drawbridge to open on signal every hour on the half hour for the passage of pleasure vessels. At all times, the draw will continue to open on signal for commercial vessels. The proposed change would result in more efficient use of the bridge.

DATES: Comments and related material must reach the Coast Guard on or before April 6, 2009.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG–2009–0051 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Online: http://www.regulations.gov.*

(2) *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.

(3) *Hand delivery:* Room W12–140 on the Ground Floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed

rule, call Gary S. Heyer, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398–6629. 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. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility. Please see DOT's ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2009–0051), indicate the specific section of this document to which each comment applies, and give the reason for each comment. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 81/2 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. We may change this proposed rule in view of them.

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* at any time. Enter the docket number for this rulemaking (USCG–2009–0051) in the Search box, and click ''Go>>.'' You may also visit either the Docket Management Facility in Room W12–140 on the ground floor of the DOT 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 at Commander (dpb), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704–5004 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can 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 the Department of Transportation's Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit *http://DocketsInfo.dot.gov.*

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 Figure Eight Homeowner Association Inc., (FEHAI), is responsible for the operation of the Figure Eight Swing Bridge, at AIWW mile 278.1, at Scotts Hill, NC.

In the closed-to-navigation position, the Figure Eight Swing Bridge has a vertical clearance of 20 feet, above mean high water (MHW). Also, the vertical clearance in the open position at this location is limited to 85 feet, above MHW, by the overhead power line. The existing regulation is set out in 33 CFR 117.821(a)(3) which requires the draw to open on signal at all times for commercial vessels, and open on the hour and half hour for pleasure craft.

The FEHAI requested a change to the existing regulations in an effort to improve the schedule for both roadway and waterway users. The swing bridge provides the only route on and off Figure Eight Island. This proposal would not change the requirement for the bridge to open on signal at any time for commercial and government vessels. The proposal would facilitate pleasure craft in navigating the AIWW, while also helping to ease vehicular traffic congestion. Most vessels transiting the area in the spring and fall are operated by owners commonly referred to as ''snowbirds''. Owners of these transitory recreational vessels are either traveling north to south towards a warmer climate in the fall or south to north towards a cooler climate in the spring which can result in frequent bridge openings due to increased number of vessels. (See Table A)

TABLE A

Bridge Openings for 2005											
JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
147	97	160	297	410	313	311	164	160	340	399	227
Bridge Openings for 2006											
JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
156	80	162	309	388	308	237	163	164	331	354	172
Bridge Openings for 2007											
JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
151	100	144	268	373	285	184	184	132	311	296	106

Also, the Coast Guard examined the operation of the S.R. 74 Bridge, at AIWW mile 283.1, at Wrightsville Beach located just south of the Figure Eight Swing Bridge. The S.R. 74 Bridge provides vessel openings on the hour between 7 a.m. to 7 p.m., except that from 7 a.m. to 11 a.m. on the third and fourth Saturday in September of every year, the draw need not open for vessels due to the Triathlon run. The proposed change would allow pleasure vessels to proceed safely through each of these bridges without delay.

Discussion of Proposed Rule

The Coast Guard proposes to amend 33 CFR 117.821(a)(3) by requiring openings of the draw every hour on the half hour for the passage of pleasure vessels. At all times, the draw will continue to open on signal for commercial vessels.

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 Evaluation

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.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. We reached this conclusion based on the fact that the proposed changes have only a minimal impact on maritime traffic transiting the bridge; mariners of recreational vessels can plan their transits in accordance with the scheduled bridge openings to minimize delays and recreational vessels that can safely transit under the bridge while the draw span is in a closed position may do so at any time.

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 could affect the following entities, some of which might be small entities: The owners or operators of recreational vessels needing to transit through the bridge.

This action will not have a significant economic impact on a substantial number of small entities because recreational vessels that can safely transit under the bridge while the draw span is in a closed position may do so at any time. Also, other mariners of recreational vessels can plan their trips in accordance with the scheduled bridge openings to minimize delays.

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 Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District, (757) 398–6222. The Coast Guard will not retaliate against small entities that question or complain about this 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 will 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 Commandant Instruction M16475.lD and Department of Homeland Security Management Directive 5100.1, which guides 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 not likely to have a significant effect on the human environment. Therefore, this rule is categorically excluded, under section 2.B.2. Figure 2–1, paragraph 32(e), of the Instruction and neither an environmental assessment nor an environmental impact statement is required. This rule involves the operating regulations or procedures for drawbridges. No environmental analysis checklist is required. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

2. Revise § 117.821(a)(3) to read as follows:

§ 117.821 Atlantic Intracoastal Waterway, Albermarle Sound to Sunset Beach.

* * * * *

(3) Figure Eight Swing Bridge, mile 278.1, at Scotts Hill, NC, the draw need only open every hour on the half hour.

* * * * *

Dated: February 4, 2009.

Fred M. Rosa, Jr.,

Rear Admiral, United States Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. E9–3561 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–15–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 09–185; MB Docket No. 09–9; RM–11511]

Radio Broadcasting Services; Mineral and Nevada City, California

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Audio Division requests comment on a petition filed by Shamrock Communications, Inc., the permittee of a new FM station on Channel 297C, Alturus, California, proposing the deletion of vacant Channel 297A at Nevada City, California, and the allotment of Channel 297A at Mineral, California. The reference coordinates for Channel 297A at Mineral are 40–16–11 NL and 121–31–46 WL. *See* **SUPPLEMENTARY INFORMATION**, *infra*.

DATES: Comments must be filed on or before March 30, 2009, and reply comments on or before April 14, 2009.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Patricia M. Chuh, Esq., Kenneth E. Satten, Esq., Wilkinson Barker Knauer, LLP, 2300 N Street, NW., Suite 700, Washington, DC 20037 (Counsel for Shamrock Communications, Inc.).

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 09–9, adopted February 2, 2009, and released February 4, 2009. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com*. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

The proposed channel changes are part of a hybrid application and rulemaking proceeding. In the application (File No. BMPH–20071108ACY), Shamrock Communications proposes the reallotment of Channel 297C from Alturus California, to Fernley, Nevada, and the associated modification of its construction permit for a new FM station at Alturus. *See* 72 FR 71909 (December 19, 2007). The modification of the Alturus construction permit is contingent upon the deletion of the Nevada City Allotment.

The Commission's policy is generally not to delete a vacant allotment in which interest has been expressed, absent a compelling reason to do so. Accordingly, the Notice of Proposed Rule Making solicits comment on whether to retain Channel 297A at Nevada City.

The Notice of Proposed Rule Making also proposes to allot Channel 297A at Mineral because it could provide a first local service to that community. Although Shamrock Communications expressed an interest in participating in the auction for Channel 297A at Mineral, it is requested to file the required construction permit application on FCC Form 301 for this allotment by the comment deadline. Finally, a staff engineering analysis reveals a terrain obstruction of 130 meters in height between Shamrock's specified site and the community of Mineral that would require a tall tower of at least 210 meters to overcome the obstruction and provide 70 dBu coverage to all of Mineral. Shamrock is

requested to provide documentation regarding its willingness to construct such a tower or to specify a different site that would overcome or obviate the obstruction.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact. For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Nevada City, Channel 297A, and by adding Mineral, Channel 297A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E9–3593 Filed 2–19–09; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 0812221634–9115–01]

RIN 0648–AX51

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Commercial Black Sea Bass Pot Segment of the Snapper-Grouper Fishery off the Southern Atlantic States; Control Date

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

ACTION: Advanced notice of proposed rulemaking; consideration of a control date.

SUMMARY: NMFS announces that it is establishing a revised control date to control future access to the commercial black sea bass pot fishery operating in the exclusive economic zone (EEZ) of the South Atlantic. If changes to the management regime are developed and implemented under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), a control date could be used to limit the number of participants in the fishery. This announcement is intended, in part, to promote awareness of the potential eligibility criteria for future access so as to discourage speculative entry into the fishery while the South Atlantic Fishery Management Council (Council) and NMFS consider whether and how access to the black sea bass pot fishery should be controlled.

DATES: Written comments must be received on or before 5 p.m., eastern time, March 23, 2009.

ADDRESSES: You may submit comments, identified by 0648–AX51, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov*.
- Fax: Attn: Kate Michie 727–824–5308.
- Mail: Kate Michie, NMFS Southeast Regional Office, Sustainable Fisheries Division, 263 13th Avenue South, St. Petersburg, FL 33701.

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: Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council; toll free 1–866–SAFMC–10 or 843–571–4366; *kim.iverson@safmc.net*.

SUPPLEMENTARY INFORMATION: At the December 2008 Council meeting, the Council recommended a revised control date of December 4, 2008, for the commercial black sea bass pot segment of the snapper-grouper fishery. The Council is concerned about the potential for an increase in the number of participants in the fishery due to increased regulations on other species in the snapper-grouper management complex. The control date would apply to persons who are contemplating entering the commercial black sea bass pot fishery in the EEZ of the South Atlantic region. The Council previously established April 23, 1997, (62 FR 22995), as the control date for the black sea bass pot segment of the snapper-grouper fishery. A revised control date of October 14, 2005 (70 FR 60058), was established for the snapper-grouper fishery, including the black sea bass pot segment. If adopted, the proposed control date would again revise the control date for the black sea bass pot segment of the commercial snapper-grouper fishery. The previously established October 14, 2005, control date for the commercial snapper-grouper fishery would remain unchanged. The Council requested that this control date be published in the **Federal Register** to notify fishermen that if they enter such a fishery after December 4, 2008, they may not be assured of future access if the Council and/or NMFS decide to limit entry or impose other measures to manage these fisheries. Establishment of the control date would allow the Council to evaluate the level of participation in the subject fishery and address any level of overcapacity. Control dates are intended to discourage speculative entry into a fishery, as new entrants entering the fishery after the control date are forewarned that they are not guaranteed future participation in the fishery.

Establishment of this control date does not commit the Council or NMFS to any particular management regime or criteria for entry into the commercial black sea bass pot fishery. Fishermen are not guaranteed future participation in the fishery regardless of their level of participation before or after the control date. The Council may recommend a different control date or it may recommend a management regime that does not involve a control date. Other criteria, such as documentation of landings or fishing effort, may be used to determine eligibility for participation in a limited access fishery. The Council and/or NMFS also may choose to take no further action to control entry or access to the fisheries, in which case the control date may be rescinded. Any action by the Council will be taken

pursuant to the requirements for fishery management plan and amendment development established under the Magnuson-Stevens Act.

This notification also gives the public notice that interested participants should locate and preserve records that substantiate and verify their participation in the commercial black sea bass pot fishery in the South Atlantic EEZ.

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

Dated: February 11, 2009

James W. Balsiger,

Acting Assistant Administrator For Fisheries, National Marine Fisheries Service.

[FR Doc. E9–3610 Filed 2–19–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 090205130–9132–01]

RIN 0648–AX55

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Commercial Golden Tilefish Segment of the Snapper-Grouper Fishery off the Southern Atlantic States; Control Date

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

ACTION: Advanced notice of proposed rulemaking; consideration of a control date.

SUMMARY: NMFS announces that it is establishing a new control date to control future access to the commercial golden tilefish fishery operating in the exclusive economic zone (EEZ) of the South Atlantic. If changes to the management regime are developed and implemented under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), a control date could be used to limit the number of participants in the fishery. This announcement is intended, in part, to promote awareness of the potential eligibility criteria for future access so as to discourage speculative entry into the fishery while the South Atlantic Fishery Management Council (Council) and NMFS consider whether and how access to the golden tilefish fishery should be controlled.

DATES: Written comments must be received on or before 5 p.m., eastern time, March 23, 2009.

ADDRESSES: You may submit comments, identified by 0648–AX55, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov*.
- Fax: Attn: Nikhil Mehta 727–824–5308.
- Mail: Nikhil Mehta, NMFS Southeast Regional Office, Sustainable Fisheries Division, 263 13th Avenue South, St. Petersburg, FL 33701.

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: Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council; toll free 1–866–SAFMC–10 or 843–571–4366; *kim.iverson@safmc.net*.

SUPPLEMENTARY INFORMATION: At the December 2008 Council meeting, the Council recommended a new control date of December 4, 2008, for the commercial golden tilefish segment of the snapper-grouper fishery. The control date would apply to persons who are contemplating entering the commercial golden tilefish fishery in the EEZ of the South Atlantic region. The Council requested that this control date be published in the **Federal Register** to notify fishermen that if they enter such a fishery after December 4, 2008, they may not be assured of future access if the Council and/or NMFS decide to limit entry or impose other measures to manage this segment of the snapper-grouper fishery. A control date of October 14, 2005 (70 FR 60058), was previously established for the snapper-grouper fishery and would remain unchanged.

Establishment of the new control date for the commercial golden tilefish segment of the snapper-grouper fishery would allow the Council to evaluate the level of participation in this segment of the snapper-grouper fishery and address any level of overcapacity. Control dates are intended to discourage speculative entry into a fishery, as new entrants entering the fishery after the control date are forewarned that they are not guaranteed future participation in the fishery.

Establishment of this control date does not commit the Council or NMFS to any particular management regime or criteria for entry into the commercial golden tilefish fishery. Fishermen are not guaranteed future participation in the fishery regardless of their level of participation before or after the control date. The Council may recommend a different control date or it may recommend a management regime that does not involve a control date. Other criteria, such as documentation of landings or fishing effort, may be used to determine eligibility for participation in a limited access fishery. The Council and/or NMFS also may choose to take no further action to control entry or access to the fisheries, in which case the control date may be rescinded. Any action by the Council will be taken pursuant to the requirements for fishery management plan and amendment development established under the Magnuson-Stevens Act.

This notification also gives the public notice that interested participants should locate and preserve records that substantiate and verify their participation in the commercial golden tilefish fishery in the South Atlantic EEZ.

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

Dated: February 11, 2009

James W. Balsiger,

Acting Assistant Administrator For Fisheries, National Marine Fisheries Service.

[FR Doc. E9–3607 Filed 2–19–09; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 74, No. 33

Friday, February 20, 2009

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2007–0038]

Notice of Request for a New Information Collection (Consumer Focus Groups)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to request a new information collection concerning the use of focus groups to obtain information from consumers on various food safety issues to support Agency decision-making and policy formulation.

DATES: Comments on this notice must be received on or before April 21, 2009.

ADDRESSES: FSIS invites interested persons to submit comments on this notice. Comments may be submitted by either of the following methods:

- *Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the online instructions at that site for submitting comments.
- *Mail, including floppy disks or CD–ROMs, and hand- or courier-delivered items:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue, SW., Room 2534, South Agriculture Building, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2007–0038. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday.

For Additional Information: Contact John O'Connell, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 1400 Independence Avenue, SW., Room 3532 South Building, Washington, DC 20250, (202) 720–0345.

SUPPLEMENTARY INFORMATION:

Title: Consumer Focus Groups.

Type of Request: New information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). FSIS protects the public by verifying that meat, poultry, and egg products are safe, wholesome, unadulterated, and properly labeled and packaged.

FSIS is requesting a new information collection addressing paperwork requirements related to the collection of information from the use of consumer focus groups.

To assist in fulfilling its public health mission, FSIS needs at times to obtain information from consumers to assess the effectiveness of its consumer protection initiatives and to gain data to support Agency decisionmaking and policy formulation.

Foodborne illness is a significant public health problem in the United States. Of particular concern are those populations at risk for foodborne illness—the very young, the very old, and individuals with compromised immune systems. Labeling information can be used to educate consumers to avoid higher-risk consumption choices and to help them follow the recommended safe handling practices. For consumer education efforts to be effective, FSIS needs to ensure that it has a clear understanding of who is at risk and of what mechanisms for delivering food safety and public health messages are likely to be successful. Thus, FSIS is seeking information about the content of public health messages, and methods of delivery of those messages, that will promote safe food handling and preparation practices among consumers.

FSIS is planning to contract for research to test public health messages on safe handling and preparation of meat, poultry, and egg products, to assess how well these messages convey information, and to identify effective delivery mechanisms for these messages. The research will use consumer focus groups to determine the perceptions of segments of the general population and at-risk populations regarding relevant food safety messages.

FSIS is requesting an information collection for twelve consumer focus groups. The purpose of the first six focus groups is to conduct qualitative research with consumers to (1) assess consumers' understanding of cooking instructions for specific products (e.g., uncooked, breaded, boneless poultry products) and (2) collect information on consumers' understanding of existing public health messages (e.g., use a thermometer to check the doneness of meat and poultry). The purpose of the second set of six focus groups is to conduct qualitative research with consumers to collect information on consumers' understanding of new public health messages. FSIS will use the results of the focus groups to inform the development of labeling policy for meat, poultry, and egg products and to refine, and to decide how to disseminate, public health messages to ensure that they are useful for effecting behavioral change and reducing foodborne illness.

FSIS has made the following estimates based upon an information collection assessment:

Estimate of Burden: FSIS estimates that it will take respondents an average of 2 hours per response.

Respondents: Consumers.

Estimated No. of Respondents: 120.

Estimated No. of Annual Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 240 hours.

Copies of this information collection assessment can be obtained from John O'Connell, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 1400 Independence,

SW., Room 3532, South Bldg., Washington, DC 20250, (202) 720–0345.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS' functions, including whether the information will have practical utility; (b) the accuracy of FSIS' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and, (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

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.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that the public and in particular minorities, women, and persons with disabilities, are aware of this notice, FSIS will announce it on-line through the FSIS Web page located at *http://www.fsis.usda.gov/regulations/2009_Notices_Index/index.asp*.

FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The Update also is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

In addition, FSIS offers an e-mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/news_and_events/email_subscription/*.

Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC, on: February 13, 2009.

Alfred V. Almanza,

Administrator.

[FR Doc. E9–3603 Filed 2–19–09; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Klamath National Forest, California, Two Bit Vegetation Management

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Klamath National Forest will prepare an environmental impact statement (EIS) to document and publicly disclose the environmental effects of implementing commercial thinning and prescribed burn treatments in the Two Bit project area to provide forest products, restore forest health, and reduce fuel hazard on Klamath National Forest System lands. The project area is north and west of Happy Camp, California. Thinning and understory prescribed burning is proposed on approximately 10,800 acres.

DATES: Comments concerning the scope of the analysis must be received within 30 days of the publication of this notice in the **Federal Register**. The draft environmental impact statement is expected in April 2010 and the final environmental impact statement is expected in July 2010.

ADDRESSES: Send written comments to John Allen or Nick Larson, Project Team Leaders, P.O. Box 377, 63822 Highway 96, Happy Camp, CA 96039. You may also send electronic comments to the project e-mail inbox: *comments-pacificsouthwest-klamath-happy-camp@fs.fed.us*, or via facsimile to (530) 493–1796.

Comments received in response to this solicitation, including names and addresses of those who comment, become part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the respondent with standing to participate in subsequent administrative review or judicial review.

FOR FURTHER INFORMATION CONTACT: The project Web site at *http://www.fs.fed.us/r5/klamath/projects/projects/two-bit* or contact John Allen (530–493–1741), Nick Larson (530–493–1724) or District Ranger Ken Harris (530–493–1712) at the Happy Camp Ranger District, 63822 Highway 96, Happy Camp, California 96039 if you have questions, concerns, or suggestions regarding this proposal.

SUPPLEMENTARY INFORMATION:

Background

The Two Bit Vegetation Management Project area is approximately 67,600 acres in size and is located within the Indian Creek watershed, north and west of Happy Camp, California, near the Oregon border. Thinning and prescribed burning are proposed on approximately 10,800 acres within treatment units scattered throughout the larger project area. Commercial thinning treatments make up approximately 2,200 acres of the total area proposed for treatment and the remainder (about 8,600 acres) is proposed for prescribed burning. The majority of the treatment units proposed for commercial thinning are existing plantations that have not been commercially thinned in the past. Approximately 300 acres proposed for treatment are natural stands. The project is scheduled for implementation in 2010.

National Forest System lands within the Klamath National Forest are managed using guidance provided by the Klamath National Forest Land and Resource Management Plan (Forest Plan). This Forest Plan provides two types of management direction: Forest-wide direction and Management Area direction. Other plans and policies that provide management direction for this project include, but are not limited to, the National Fire Plan, the Endangered Species Act, the National Historic Preservation Act, the Clean Water Act and the Clean Air Act. For further information pertinent to the Forest Plan please visit *http://www.fs.fed.us/r5/klamath/projects/forestmanagement/forestplan/index.shtml.*

Purpose and Need for Action

Historic conditions in the Two Bit project area consisted of a moderate to low intensity, frequent interval (5–15 year) fire regime. Historical large fire history as well as fire exclusion have played a substantial role in vegetation successional patterns throughout the area. The current fire regime is characterized as moderate intensity with an infrequent (greater than 25 years)

interval. Historic conditions within the project area as seen in 1944 aerial photos and documented in the 1997 Indian Creek Watershed Analysis, indicate that large fires were a common occurrence in the area; there was variation in the landscape with areas of continuous cover broken up by openings of various sizes in the canopy. The lower severity fires of the past maintained open understories and kept levels of woody debris low; although, this varied as it does today depending on weather, local topography and fuels conditions. More recent aerial photo interpretation indicates a more continuous cover of forest with less variation and fewer openings. This change has contributed to increased fuel hazard (and the potential for high severity wildland fire), decreased habitat quality for some species and increased susceptibility to extreme insect and disease impacts and loss of big trees.

The differences between existing conditions and desired conditions form the basis for the need for action. Action is needed in the Two Bit project area to:

- Reduce tree density and move stands toward more natural composition and Structure.
- Restore and enhance meadows on the landscape.
- Sustain moderate timber yields that are compatible with area goals.
- Maximize tree growth while minimizing insect and disease susceptibility.
- Promote development of late-successional old-growth in Late-Successional Reserves.
- Protect mid- and early-seral forest from loss due to wildfire.
- Reduce the risk of losing northern spotted owl habitat from wildfire.
- Maintain and improve watershed conditions.

The purpose of the project is to:

1. Provide a programmed flow of timber products—Actions proposed in the Two Bit project area are designed to do this by improving and maintaining good growth rates, minimizing insect and disease damage through stocking control, and maintaining plantations where they currently exist. Approximately 80% of the area proposed for thinning is within existing plantations that are within Forest Plan Management Areas available for scheduled timber harvest (General Forest, Partial Retention Visual Quality Objective, Managed Wildlife Habitat) with the remaining area in Riparian Reserves and/or Late-Successional Reserves.

2. Sustain diverse, resilient ecosystems, more in keeping with historic conditions—Actions proposed in the Two Bit project area are designed to do this by reducing stand density, improving structural diversity within stands, maintaining natural meadows and wetlands or restoring meadows and wetlands where encroachment has occurred, maintaining hardwood diversity or restoring hardwood diversity where loss has occurred or recruitment is low, protecting mid- and early-seral forest from loss due to wildfire, and maintaining watershed health and the quality of the Indian Creek water source.

Proposed Action

The proposed action has been designed to meet the purpose of the Two Bit vegetation management project and satisfy the need for action primarily by using commercial thinning and prescribed burning.

Approximately 10,800 acres within the large Two Bit project area have been identified where treatments are necessary and feasible. Approximately 133 units have been identified for proposed commercial thinning. Of these, 31 are natural stands and 102 are existing plantations. These units comprise approximately 2,000 acres. An additional 200 acres are proposed for a more specialized treatment (pole harvest, sanitation thinning, hardwood release or meadow enhancement) as described in more detail below, for a total of approximately 2,200 acres of treatments. Ponderosa pine and Douglas-fir are the dominant species proposed for removal during thinning.

Commercial thinning is proposed in stands that are accessible from the existing road system and are of the size, age, terrain, and structure suitable for logging. Thinning would be followed by various fuel treatments, most of which would be underburning; although may include mastication, tractor piling, chipping, handpiling, or jackpot burning (burning small concentrations of slash and debris). Underburning would also be implemented on approximately 8,600 acres outside of commercial thinning units.

The majority of the thinning units identified in this project are proposed to be harvested using ground based operations (mechanized harvest or conventional tractor skidding); a few of the units have the opportunity to be cable logged, and none of the areas identified are proposed for helicopter logging. Trees deemed hazardous to the operations would be removed along the haul route.

Approximately 32 short temporary roads (totalling approximately 3.6 miles) are proposed for construction as part of this project to facilitate tractor and cable logging. All temporary roads constructed for this project would be closed and hydrologically restored to minimize erosion and sediment production upon completion of the project.

In addition to closing temporary roads at completion of the project, decommissioning an additional 4.3 miles of existing roads is also proposed. These roads were identified using the 2004 roads analysis process as requiring excessive maintenance, having little value to future management projects, and contributing to unfavorable watershed conditions.

While commercial thinning and underburning are the two primary tools proposed within the Two Bit project area to meet the purpose and need, several smaller areas are proposed for specialized treatments as described below.

- Pole harvest is proposed for approximately 86 acres along roadsides that are heavily stocked with small diameter (less than 10 inch) trees. These areas are proposed for thinning to meet fuels objectives and would be made available to the local community through personal use pole permits.
- Sanitation harvest is proposed for approximately 36 acres along a roadside that has dwarf mistletoe infestation. Thinning in these areas is proposed to remove trees with dwarf mistletoe to prevent the spread to nearby healthy stands.
- Meadow restoration is proposed for approximately 80 acres in order to maintain or enhance meadow conditions. Treatments would include chainsaw removal of small encroaching conifers, handpiling and burning, and limited use of prescribed fire.
- Hardwood release is proposed for approximately 18 acres in order to reduce conifer competition with medium- to large-sized oak trees.

Responsible Official

Patricia Grantham, Klamath National Forest Supervisor, USDA Forest Service, 1312 Fairlane Road, Yreka, California 96097, will prepare and sign the Record of Decision at the conclusion of the NEPA review.

Nature of Decision To Be Made

The Forest Service is the lead agency for the project. Based on the result of the NEPA analysis, the Forest Supervisor's Record of Decision regarding the Two Bit vegetation management project will recommend implementation of one of the following: (1) The proposed action and mitigation necessary to minimize or avoid adverse impacts; (2) An

alternative to the proposed action and mitigation necessary to minimize or avoid adverse impacts; or (3) The no-action alternative. The Record of Decision will also document the consistency of the proposed action or one of the alternatives with the Klamath National Forest Land and Resource Management Plan (1995, as amended).

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments should be as specific as possible. A public open house will be held at the Happy Camp Grange Hall (64501 Second Avenue, Happy Camp, CA) on March 4, 2009 from 5 p.m. to 7 p.m. Forest Service staff will be on hand to meet with you, answer questions, and discuss the project and process. Comments may be submitted at the meeting, by email, fax or letter within the 30-day scoping period.

It is important that reviewers provide their comments at such times and in such a way that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. The submission of timely and specific comments can affect a reviewer's ability to participate in subsequent administrative appeal or judicial review.

Dated: February 12, 2009.

Patricia A. Grantham,

Forest Supervisor.

[FR Doc. E9–3613 Filed 2–19–09; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Klamath National Forest, CA, Big Pony Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Klamath National Forest (KNF) will prepare an Environmental Impact Statement (EIS) to document and publicly disclose the environmental effects of implementing a vegetation and fuels management project designed to reduce fire hazard to research plots and improve forest health.

DATES: Comments concerning the scope of the analysis must be received within 45 days from date of publication in the **Federal Register**. The draft EIS is expected in March, 2010 and the final EIS is expected in August, 2010.

ADDRESSES: Send written comments to Jorge Enriquez, Goosenest Ranger District, 37805 Highway 97, Macdoel, CA 96058. Comments may also be sent via e-mail to *comments-pacificsouthwest-klamath-goosenest@fs.fed.us,* or via facsimile to (530) 398–398–5749 A public scoping meeting to discuss project details and identify any potential significant issues will be held on March 18th, 2009 at the Goosenest Ranger District, 37805 Highway 97, Macdoel, CA 96058.

Comments received in response to this solicitation, including names and addresses of those who comment, will become part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the respondent with standing to appeal the subsequent decision.

FOR FURTHER INFORMATION CONTACT: Jorge Enriquez, Goosenest Ranger District at (530) 398–5784 or *jenriquez@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The purpose for the proposed project is to reduce the potential fire impacts to permanent research plots, and within and adjacent to wildland urban interface (WUI) near Tennant, California. Intensive logging in the early 1900s and subsequent fire suppression have increased susceptibility to stand replacing insect, disease, and fire events. The Big Pony Project is designed to reduce forest susceptibility to stand replacing wildfire and increase stand resiliency to insect, disease and fire damage while promoting the development of large-pine dominated forests.

The proposed Big Pony Project is located within the Goosenest Ranger District southeast of Tennant, California. The legal locations are Sections 24 and 25 in T43NR1W; and Sections 2, 3, 9–11, 14–18, 19–22, 27–30, and 32 in T43NR1E, Mt. Diablo Meridian, Siskiyou County, California. The proposed project area encompasses approximately 6,673 acres between 4,800 to 6,100 feet elevation. The Big Pony Project is consistent with management direction provided in the Northwest Forest Plan, Land and Resource Management Plan for the KNF, National Fire Plan, and the Endangered Species Act.

The Pacific Southwest Research Station established long-term research plots in 2000 to study accelerating the development of late-successional forest components. Forests surrounding the research plots are overstocked with white fir and ladder fuels that create conditions conducive to stand replacing wildfire. There is a need to enhance protection from catastrophic wildfire to minimize risk to research plots, private property, and to avoid fire suppression difficulties within and adjacent to the WUI.

Proposed Action

The proposed project area encompasses approximately 6,673 acres between 4,800 to 6,100 feet elevation. The proposed action is to perform thinning and fuels treatment on 3,180 acres. The Proposed Action consists of the five following treatments which will be applied based on existing tree species present, fuels conditions, forest health, and wildlife concerns. In all treatments, the retention of old-growth legacy components (large diameter trees, large snags, and downed logs) will be emphasized.

Roads needed for the project will be reassessed prior to and during activities to determine if maintenance is needed and may require light maintenance to meet project requirements, generally consisting of spot rocking, grading, and re-establishing drainage structures. There will be no new roads constructed or added to the Forest road system. Approximately 0.5 miles of temporary road will be constructed for project implementation and will be constructed to design standards that minimize ground disturbance and protect resources. This temporary road will be decommissioned following project completion.

1. Fuel Management Zone (FMZ) Treatments

Three hundred foot wide fuels reduction treatments will be applied on 708 acres, in a linear fashion centered along 13 miles of roads. The FMZs are designed to reduce fire hazard, improve fire suppression effectiveness, and improve fire fighter safety in the event of a wildfire. The FMZs will improve fire fighting effectiveness and safety by providing potential anchor points for fire fighters during initial attack. Trees less than 10 inches in diameter at breast

height (dbh) will be felled to reduce ladder fuels and stand density. Large down woody material greater than 16 inches in diameter and standing snags greater than 16 inches dbh will be left intact in accordance with district guidelines. Post-treatment FMZ evaluations will determine whether additional mowing is required to achieve the proposed action. FMZ treatments will be expanded beyond the 300 foot buffer in one 21-acre area at the southeast end of the project area to address heavy fuel accumulations.

2. Fuels Reduction With Emphasis on White Fir Removal

Thinning will be applied to 2,021 acres of overly dense conifer stands favoring ponderosa pine, sugar pine, and incense cedar. White fir and juniper will be removed to reduce stand basal area (BA) to 60–120 square feet. Large white fir (greater than 40 inches dbh) will be left for snag recruitment for wildlife. Retention of old-growth legacy components (large diameter trees, large snags and downed logs) will be emphasized. Thinning would provide a buffer zone around existing sugar pine to favor their development. Treatment areas will be evaluated post-thinning and if appropriate, they will receive an underburn or mow treatment. The following conservation measures will be implemented around known goshawk activity centers. (1) Within one mile of activity centers 15% of stands will not be treated and, though generally targeted for removal, a limited amount of pole-sized and larger white fir will be retained. (2) Within one-half mile of activity centers only trees less than 10 inches dbh will be thinned and 16–25 foot spacing will be maintained; except under the dripline of greater than 30-inch dbh ponderosa or sugar pine, where all trees will be thinned.

3. Fuels Reduction in Lodgepole Pine

Overly dense lodgepole pine stands impacted by mountain pine beetles will be thinned on 76 acres. Ponderosa pine will be retained along with a small component of white and red fir for diversity and snag recruitment. All mature lodgepole pine will be removed. All trees will be removed within 30 feet of dominant- and co-dominant ponderosa pine with a retention BA of 80–100 square feet. Trees up to 10 inches dbh will be removed except where there are not larger sized trees to maintain 16 to 25-foot spacing. Treatment areas will be evaluated post-thinning and if appropriate, they will receive an underburn treatment.

4. Plantation Thinning

Thinning will be applied to 346 acres of overly dense conifer plantations. Small diameter trees will be thinned to a spacing of 12 to 30 feet to create a mosaic pattern typical in uneven-aged stands. The variability in stand spacing will account for site specific conditions including species composition, slope and aspect, and the size of existing trees. The majority of slash (75%) will be piled and burned and the remaining 25% will be left intact for wildlife diversity objectives.

5. Underburn Only

Underburning will occur on 29 acres to reduce density of shrubs and white fir saplings.

Lead and Cooperating Agencies

The Forest Service is the lead agency.

Responsible Official

Klamath National Forest Supervisor, Patricia A. Grantham, 1312 Fairlane Road, Yreka, California 96097.

Nature of Decision To Be Made

The responsible official for this proposal is the forest supervisor. Based on the analysis in the final EIS, the responsible official will make the following decisions and document them in a record of decision: (1) Whether to treat stands within the project area as proposed, or in what manner; and (2) What project design features should be applied.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the EIS. A public scoping meeting to discuss project details and identify any potential significant issues will be held on March 18th, 2009 at 7 p.m. at the Goosenest Ranger District, 37805 Hwy 97, Macdoel, CA 96058. The KNF is particularly interested in hearing about any potentially significant issues, points of discussion, dispute, or debate about the effects of the proposed action. It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the EIS.

Comment Requested

This notice of intent initiates the scoping process which guides the development of the environmental impact statement. Your participation at this stage of the project is essential for the Interdisciplinary (ID) Team to develop effective, issue-driven alternatives and mitigations, as needed, to the proposed action.

It is important that reviewers provide their comments at such times and in such a way that they are useful to the Agency's preparation of the EIS. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. The submission of timely and specific comments can affect a reviewer's ability to participate in subsequent administrative review or judicial review.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the respondent with standing to participate in subsequent administrative review or judicial review. Written comments can be submitted via fax (530) 398–5749 or surface mail to: Jorge Enriquez, Goosenest Ranger District, 37805 Hwy 97, Macdoel, CA 96058. You can also comment electronically in a format such as an e-mail message, plain text (.txt), rich text format (.rtf), or Word (.doc) to *comments-pacificsouthwest-klamath-goosenest@fs.fed.us* . Please call Jorge Enriquez at (530) 398–5784 or visit the Klamath National Forest Web page at *http://www.fs.fed.us/r5/klamath/projects/projects/index.shtml* for additional information regarding the proposed action. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday. A field trip with interested participants will be arranged.

A Notice of Intent (NOI) to prepare an environmental impact statement will be published in the **Federal Register**. We would appreciate receiving your comments within 45 days of publication. Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21).

Thank you for your interest in the proposed project and in the management of our National Forests.

Dated: February 12, 2009.

Patricia A. Grantham,

Forest Supervisor.

[FR Doc. E9–3612 Filed 2–19–09; 8:45 am]

BILLING CODE 3410–11–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to the Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List a product to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

Comments Must Be Received on or Before: 3/22/2009.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

For Further Information or to Submit Comments Contact: Barry S. Lineback, *Telephone:* (703) 603–7740, *Fax:* (703) 603–0655, or *e-mail CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed addition, the entities of the Federal Government identified in this notice for this product will be required to procure the product listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product to the Government.

2. If approved, the action will result in authorizing small entities to furnish the product to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the product proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following product is proposed for addition to Procurement List for production by the nonprofit agency listed:

Products

Tape, Pressure Sensitive, 2 inch Tan Package Sealing.
NSN: 7510–00–079–7906—Tape, Pressure Sensitive, 2 in Tan Package Sealing.
NPA: Cincinnati Association for the Blind, Cincinnati, OH.
Contracting Activity: Federal Acquisition Service, GSA/FSS OFC SUP CTR—Paper Products.
Coverage: A-list for the total Government requirement as specified by the General Services Administration.

Barry S. Lineback,

Director, Program Operations.

[FR Doc. E9–3639 Filed 2–19–09; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List products to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List products previously furnished by such agencies.

DATES: *Effective Date:* 3/23/2009.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, *Telephone:* (703) 603–7740, *Fax:* (703) 603–0655, or *e-mail CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 12/19/2008, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (73 FR 245, page 77607) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and impact of the additions on the current or most recent contractors, the Committee has determined that the products listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products to the Government.

2. The action will result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products are added to the Procurement List:

Products

United States Army Corps of Engineers Uniforms
NSN: COE051—Windbreaker
NSN: COE050—3 Season Jacket
NSN: COE048—Mesh Base Ball Cap
NSN: COE047—Base Ball Cap
NSN: COE046—Jacket
NSN: COE045—Coveralls
NSN: COE044—Unisex Coveralls
NSN: COE043—Unisex Coveralls
NSN: COE042—Parka
NSN: COE041—Unisex Vest
NSN: COE040—Sweatshirt
NSN: COE039—Sweatshirt
NSN: COE036—Dress Belt
NSN: COE035—Black Web Belt
NSN: COE034B—Gloves
NSN: COE034A—Gloves
NSN: COE033—Jeans
NSN: COE032—Jeans
NSN: COE031—Pants
NSN: COE030—Pants
NSN: COE027—Unisex T-Shirt
NSN: COE025—Unisex Shirt
NSN: COE024—Work Shirt

NSN: COE023—Work Shirt
NSN: COE022—Work Shirt
NSN: COE021—Work Shirt
NSN: COE020—Work Shirt
NSN: COE019—Work Shirt
NSN: COE018—Cap
NSN: COE017—Belt
NSN: COE016A—Trousers
NSN: COE016B—Trousers
NSN: COE015A—Shirt
NSN: COE015B—Shirt
NSN: COE014A—Shirt
NSN: COE014B—Shirt
NSN: COE013—Skirt
NSN: COE012—Pants
NSN: COE011—Pants
NSN: COE010—Tie Tac
NSN: COE009—Tie
NSN: COE008—Tab Bow
NSN: COE007—Shirt
NSN: COE006—Shirts
NSN: COE005—Shirts
NSN: COE004—Shirts
NSN: COE003—Unisex Sweater
NSN: COE002—Blazer
NSN: COE001—Blazer
NPA: Human Technologies Corporation, Utica, NY.
Contracting Activity: Dept of the Army, XU W072 Endist Pittsburgh, PA.
Coverage: C-list for the requirements of the U.S. Army Corps of Engineers, Pittsburgh, PA.
Flags, United States Coast Guard
NSN: 8345–01–087–4593—Flag, U.S. Coast Guard
NSN: 8345–01–085–6033—Flag, U.S. Coast Guard
NSN: 8345–01–087–4592—Flag, U.S. Coast Guard
NSN: 8345–00–265–7522—Flag, U.S. Coast Guard
NSN: 8345–01–168–1145—Flag, U.S. Coast Guard
NSN: 8345–01–168–1147—Flag, U.S. Coast Guard
NSN: 8345–01–168–1144—Flag, U.S. Coast Guard
NSN: 8345–00–242–0271—Flag, U.S. Coast Guard
NSN: 8345–01–033–9300—Flag, U.S. Coast Guard
NSN: 8345–00–242–0270—Flag, U.S. Coast Guard
NSN: 8345–00–242–0269—Flag, U.S. Coast Guard
NSN: 8345–00–242–0268—Flag, U.S. Coast Guard
NSN: 8345–00–242–0267—Flag, U.S. Coast Guard
NSN: 8345–01–248–4071—Flag, U.S. Coast Guard
NSN: 8345–00–242–0266—Flag, U.S. Coast Guard
NSN: 8345–01–298–7403—Flag, U.S. Coast Guard
NSN: 8345–01–087–4597—Flag, U.S. Coast Guard
NSN: 8345–01–087–4596—Flag, U.S. Coast Guard
NSN: 8345–01–085–6034—Flag, U.S. Coast Guard
NPA: Goodwill Industries of South Florida, Inc., Miami, FL.
Contracting Activity: U.S. Coast Guard, ELC, Baltimore, MD.
Coverage: C-list for the requirements of the U.S. Coast Guard, Baltimore, MD.

Barry S. Lineback,
Director, Program Operations.
[FR Doc. E9–3640 Filed 2–19–09; 8:45 am]
BILLING CODE 6353–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Amended Notice of Public Meeting of the Kansas Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a public briefing meeting of the Kansas Advisory Committee to the Commission will convene on Thursday, February 26, 2009 at 9 a.m. and adjourn at approximately 4 p.m. at the Dillon House located on the grounds of the Kansas State Capitol, 404 Southwest North 9th Street, Topeka, KS 66612. The purpose of the meeting is to conduct a public briefing meeting to receive information on the *''Civil Rights Implications of Kansas Caucus Process Related Voting Rights Issues.''* Information will also be collected on *''Enforcement of Employment Civil Rights Laws in Kansas.''*

Members of the public are entitled to submit written comments. The address is U.S. Commission on Civil Rights, 400 State Avenue, Suite 908, Kansas City, Kansas 66101. Persons wishing to e-mail their comments, or to present their comments at the meeting, or who desire additional information should contact Farella E. Robinson, Regional Director, Central Regional Office, at (913) 551–1400 or by e-mail to *frobinson@usccr.gov.*

Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records generated by this meeting may be inspected and reproduced at the Central Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *http://www.usccr.gov,* or to contact the Central Regional Office at the above e-mail or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated in Washington, DC, February 13, 2009.

Christopher Byrnes,
Chief, Regional Programs Coordination Unit.
[FR Doc. E9–3598 Filed 2–19–09; 8:45 am]
BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Economic Development Administration

[Docket No.: 090212174–9175–01]

Solicitation of Applications for the FY 2009 University Center Economic Development Program Competition in EDA's Atlanta and Seattle Regional Offices

AGENCY: Economic Development Administration (EDA), Department of Commerce.

ACTION: Notice and request for applications.

SUMMARY: EDA is soliciting competitive applications from accredited institutions of higher education and from consortia of accredited institutions of higher education for FY 2009 University Center Economic Development Program funding in the geographic areas served by its Atlanta and Seattle regional offices. EDA's mission is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. Institutions of higher education have many assets and are able to establish and operate University Centers in partnership with EDA. These EDA-sponsored University Centers conduct research; provide technical assistance to tribal entities, local governments, and public and private sector organizations; and undertake other activities with the goal of enhancing regional economic development by promoting a favorable business environment to attract private capital investment and higher-skill, higher-wage jobs.

DATES: The closing date and time for receipt of applications for funding under the FY 2009 University Center Economic Development Program competition is April 21, 2009 at 5 p.m. Eastern Time for applicants in the Atlanta regional office's service area and 5 p.m. Pacific Time for applicants in the

Seattle regional office's service area. The Atlanta regional office will hold an informational teleconference for prospective applicants on March 4, 2009 at 10:30 a.m. Eastern Time. The Seattle regional office will hold its informational teleconference call on March 5, 2009 at 10 a.m. Pacific Time. For instructions regarding these teleconferences, please see the information provided below under ''Informational Teleconferences.''

Application Submission Requirements: Applicants are advised to read carefully the instructions contained in section IV of the complete Federal Funding Opportunity (FFO) announcement for this request for applications. To access the FFO announcement, please see the Web sites listed below under ''Electronic Access.''

Applications may be submitted in two formats: (a) Electronically in accordance with the procedures provided on *http://www.grants.gov;* or (b) in paper format to the addresses provided below. EDA will not accept facsimile transmissions of applications. The content of the application is the same for paper submissions as it is for electronic submissions. A complete application must contain all the items listed in the *Checklist of Application Materials,* which is attached as an Exhibit to the FFO announcement.

You may obtain a paper application package by contacting the designated point of contact listed below under **FOR FURTHER INFORMATION CONTACT** for the EDA regional office servicing your geographic area. Applicants applying electronically through *http://www.grants.gov* may access the application package by following the instructions provided on *http://www.grants.gov.*

Paper Submissions: Applicants in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, or Tennessee should submit paper submissions (via postal mail, overnight delivery, or hand-delivery) to:

FY 2009 University Center Program Competition, Economic Development Administration, Atlanta Regional Office, 401 West Peachtree Street, NW., Suite 1820, Atlanta, GA 30308–3510.

Applicants in Alaska, Arizona, American Samoa, California, Guam, Hawaii, Idaho, Republic of Marshall Islands, Federated States of Micronesia, Nevada, Northern Mariana Islands, Oregon, Republic of Palau, or Washington should submit paper submissions (via postal mail, overnight delivery, or hand-delivery) to:

FY 2009 University Center Program Competition, Economic Development Administration, Seattle Regional Office, Jackson Federal Building, Room 1890, 915 Second Avenue, Seattle, WA 98174–1001.

Department of Commerce mail security measures may delay receipt of United States Postal Service mail for up to two weeks. Therefore, applicants who submit paper submissions are advised to use a guaranteed overnight delivery service.

Electronic Submissions: Applicants may submit applications electronically in accordance with the instructions provided at *http://www.grants.gov.* EDA strongly encourages that applicants not wait until the application closing date to begin the application process through *http://www.grants.gov.* The preferred file format for electronic attachments (*e.g.*, the Project Narrative and attachments to Form ED–900) is portable document format (PDF); however, EDA will accept electronic files in Microsoft Word, WordPerfect, or Excel formats.

Applicants should access the following link for assistance in navigating *http://www.grants.gov* and for a list of useful resources: *http://www.grants.gov/applicants/applicant_help.jsp* . If you do not find an answer to your question under Frequently Asked Questions, try consulting the Applicant's User Guide. If you still cannot find an answer to your question, contact *http://www.grants.gov* via e-mail at *support@grants.gov* or telephone at 1–800–518–4726. The hours of operation for *http://www.grants.gov* are Monday-Friday, 7 a.m. to 9 p.m. Eastern Time (except for Federal holidays).

FOR FURTHER INFORMATION CONTACT: For additional information or for a paper copy of the application package, the designated contact person in the Atlanta regional office is Lee Mertins. Mr. Mertins may be reached at *lmertins@eda.doc.gov* or at 404–730–3015. The designated contact person in the Seattle regional office is Bettye Atkinson. Ms. Atkinson may be reached at *batkinson@eda.doc.gov* or at 206–220–7665. EDA's Internet Web site at *http://www.eda.gov* also has additional information on EDA and its programs, including the University Center Economic Development Program.

SUPPLEMENTARY INFORMATION:

Program Information: EDA's mission is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. EDA fulfills its mission by helping our partners across the nation create wealth and minimize poverty by promoting a favorable business environment to attract private capital investment and higher-skill, higher-wage jobs through capacity-building, planning, infrastructure, research grants and strategic initiatives. Institutions of higher education have many assets that can help address regional economic problems and opportunities, such as faculty, staff, students, libraries, laboratories, facilities, and computer systems. With funding from EDA, institutions of higher education and consortia of institutions of higher education establish and operate University Centers. These EDA-sponsored University Centers conduct applied research, provide technical assistance to public and private sector organizations, and conduct other activities with the goal of enhancing regional economic development. EDA began administering the University Center Economic Development Program as a competitive multi-year program in FY 2004. Under this multi-year program designation, EDA holds University Center Economic Development Program competitions annually for two of its six regional offices each fiscal year. For example, in FY 2004 and 2007, EDA solicited proposals for the Austin and Denver regional offices, and in FY 2005 and 2008, EDA solicited proposals for the Philadelphia and Chicago regional offices. In FY 2006, EDA solicited proposals for the Atlanta and Seattle regional offices. Pursuant to its annual schedule, for FY 2009, EDA announces that it will hold its competition for proposals for the Atlanta and Seattle regional offices.

Electronic Access: The complete FFO announcement for the FY 2009 University Center Economic Development Program competition is available at *http://www.grants.gov* and at *http://www.eda.gov/InvestmentsGrants/FFON.xml.*

Funding Availability: EDA is operating with appropriations made available under the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Public Law No. 110–329 (September 30, 2008). This Act makes available appropriations for the economic development assistance programs authorized by PWEDA and for the Trade Adjustment Assistance for Firms program authorized under the Trade Act of 1974, as amended (19 U.S.C. 2341–2355, 2391) in an amount based on FY 2008 funding levels that are pro-rated through March 6, 2009.

The funding periods and funding amounts referenced in this notice are subject to the availability of FY 2009 funds at the time of award, as well as to the Department of Commerce's and EDA's priorities at the time of award. The Department of Commerce and EDA will not be held responsible for application preparation costs if the University Center Economic Development Program fails to receive funding or is cancelled because of agency priorities. Publication of this notice does not obligate the Department of Commerce or EDA to award any specific grant or cooperative agreement or to obligate all or part of available funds.

If EDA final appropriations for FY 2009 are similar to those received in FY 2008, EDA expects to allocate approximately $7,202,620 to the University Center Economic Development Program. The amount of University Center funding available for competition in FY 2009 is expected to be approximately $1,285,920 for the Atlanta regional office and approximately $1,127,847 for the Seattle regional office. Annual awards for the University Centers selected in past years generally have been in the range of $80,000 to $200,000, although regional offices may choose to fund awards under this competition outside of these ranges. The remaining FY 2009 University Center Economic Development Program funds will be used to continue support for current University Centers selected during the FY 2007 and 2008 competitions in EDA's other four regional offices. Subject to the availability of funding at the time of award, the funds allocated to the University Center Economic Development Program are anticipated to be available until expended.

Statutory Authority: EDA's authorizing statute is the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121 et seq.) (PWEDA). The specific authority for the University Center Economic Development Program is section 207 of PWEDA (42 U.S.C. 3147), which authorizes EDA to make grants for the establishment of University Centers. EDA's regulations at 13 CFR parts 300–302 and subpart B of 13 CFR part 306 set forth the general and specific regulatory requirements applicable to the University Center Economic Development Program.

EDA's regulations are codified at 13 CFR chapter III. The regulations and PWEDA are accessible on EDA's Internet Web site at *http://www.eda.gov/InvestmentsGrants/Lawsreg.xml.*

Catalog of Federal Domestic Assistance (CFDA) Number: 11.303, Economic Development—Technical Assistance.

Applicant Eligibility: An accredited institution of higher education or a consortium of accredited institutions of higher education is eligible to apply for and to receive funding under the University Center Economic Development Program. *See* section 3(12) of PWEDA (42 U.S.C. 3122(12)) and 13 CFR 300.3. A university-affiliated research foundation also is eligible to apply for and to receive funding under this competitive solicitation, provided it demonstrates (*e.g.*, a letter or other documentation from a university President or Chancellor) that it maintains the full and integral support of the university with respect to its economic development activities. For applicants applying as a consortium, one accredited institution must be identified as the lead agent that would have lead responsibility to EDA and to the other members of the consortium for implementing an award.

For FY 2009, the University Center Economic Development Program competition is open to eligible applicants in the geographic areas served by EDA's Atlanta and Seattle regional offices. The Atlanta regional office serves Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. The Seattle regional office serves Alaska, Arizona, American Samoa, California, Guam, Hawaii, Idaho, Republic of Marshall Islands, Federated States of Micronesia, Nevada, Northern Mariana Islands, Oregon, Republic of Palau, and Washington.

Project Period: The Atlanta and Seattle regional offices will provide a three-year project period for each University Center selected for funding under the FY 2009 University Center Economic Development Program competition, with the initial award being made for the first year of the project period. The selected University Centers will not have to compete for the second and third years of funding. Funding beyond the initial year is dependent upon the availability of funds, satisfactory performance, and satisfactory progress in achieving milestones and program goals set forth in the three-year scope of work, as determined by EDA and expressed in written notice.

Current University Center operators in the service areas of EDA's Austin, Chicago, Denver, and Philadelphia regional offices will not have to compete for continuation funding in FY 2009, subject to the availability of funds, satisfactory continuing performance, and satisfactory progress in achieving milestones and Program goals set forth in the three-year scope of work, as determined by EDA and expressed in a written notice. The servicing EDA regional office will contact current University Center operators regarding the procedures for securing FY 2009 continuation funding.

Cost Sharing Requirement: Generally, the amount of the EDA grant may not exceed fifty (50) percent of the total cost of the project. Projects may receive an additional amount that shall not exceed thirty (30) percent, as determined by EDA, based on the relative needs of the region in which the project will be located. *See* section 204(a) of PWEDA (42 U.S.C. 3144) and 13 CFR 301.4(b)(1). The Assistant Secretary of Commerce for Economic Development has the discretion to establish a maximum EDA investment rate of up to one-hundred (100) percent where the project (i) merits and is not otherwise feasible without an increase to the EDA investment rate; or (ii) will be of no or only incidental benefit to the recipient. *See* section 204(c)(3) of PWEDA (42 U.S.C. 3144) and 13 CFR 301.4(b)(4).

In the application review process, EDA will consider the nature of the contribution (cash or in-kind) and the amount of the matching share funds. In-kind contributions, fairly evaluated by EDA, may provide the non-federal share of the total project cost. *See* section 204(b) of PWEDA (42 U.S.C. 3144) and section III.B of the complete FFO announcement for this request for applications. In-kind contributions, which may include assumptions of debt and contributions of space, equipment, and services, are eligible to be included as part of the non-federal share of eligible project costs if they meet applicable federal cost principles and uniform administrative requirements. Funds from other federal financial assistance awards are considered matching share funds only if authorized by statute, which may be determined by EDA's reasonable interpretation of the statute. *See* 13 CFR 300.3. The applicant must show that the matching share is committed to the project for the entire project period, will be available as needed, and is not conditioned or encumbered in any way that precludes its use consistent with the requirements of EDA investment assistance. *See* 13 CFR 301.5.

Intergovernmental Review: Applications for funding under the University Center Economic Development Program are subject to the State review requirements imposed by Executive Order 12372,

''*Intergovernmental Review of Federal Programs*,'' where applicable.

Evaluation and Selection Procedures: Staff in EDA's Atlanta or Seattle regional office, as applicable, first will undertake a technical review of each application to ensure that all required forms, signatures, and documentation are present and that the application is in compliance with the requirements of this competitive solicitation. Applications failing to meet the technical requirements of this competitive solicitation will not be referred to the review panel. Following technical review, each regional office will convene a panel to review the merits of each application based on the criteria provided under ''Evaluation Criteria'' below. The review panel will consist of federal employees and others recommended by the Regional Director of the applicable regional office. At least three (3) members of the review panel will be EDA staff members from the Atlanta or Seattle regional office, as applicable. The review panel will evaluate independently and rate and rank competitively all technically sufficient applications based on the evaluation criteria provided under ''Evaluation Criteria'' below. No consensus advice will be given by the review panel.

The review panel's rating and ranking of the applications then will be presented to the regional office's Investment Review Committee (IRC). After reviewing the panel's process and recommendations, the IRC may either: (i) Forward the panel's ranked list, unaltered and in its entirety, to the Selecting Official, who is the Regional Director of the applicable regional office; or (ii) identify any deficiencies in the review process and direct the review panel to begin the process anew. If the IRC directs the panel to re-evaluate the applications, the review panel will undertake the process again and submit a revised rating and ranking of the applications to the IRC.

Evaluation Criteria: The evaluation of applications will be accomplished through a review using the following criteria, listed in descending order of importance: (a) Value of the project to EDA, its investment partners, and its stakeholders; (b) applicant's ability to successfully implement the project; and (c) feasibility of the project budget. Each criterion is detailed below.

1. Value of the Project to EDA, Its Investment Partners, and Its Stakeholders. The review panel will evaluate:

(i) The expected benefits of the proposed scope of work, in light of EDA's emphasis on market-based, results-driven, long-term regional economic development approaches that facilitate innovation and entrepreneurship and enhance regional and national competitiveness in the global economy and considering the region's unique strengths, weaknesses, opportunities, and threats;

(ii) The expected depth and breadth of these benefits in distressed communities facing economic dislocations and other economic challenges;

(iii) The extent to which the proposed project will benefit and collaborate and interact with other EDA investment partners, recipients, and stakeholders, and create synergies with EDA's Public Works, Economic Adjustment, and Planning Programs; and

(iv) The cost to the Federal Government evaluated in light of these benefits. When evaluating cost, EDA will examine the amounts in the proposed budget allocated to deliver direct program activities, as opposed to the total budget, which includes indirect costs. EDA also will consider the amount and type of match committed.

2. The Applicant's Ability to Successfully Implement the Project. The review panel will evaluate the applicant's ability to successfully implement the project. This evaluation will include the extent to which the applicant (including its sponsoring organization) has successfully implemented past technical assistance projects, especially those involving economic development. The review panel also will evaluate the subject matter expertise and project management skills of project staff as demonstrated in the application, as well the sponsoring institution's or consortium's academic programs and/or other University resources directly tied to the proposed scope of work on the basis of demonstrated subject matter leadership, research dissemination and results, experience working in the target geographic region with the target audience, and working relationships with and strong support from the private sector, tribal entities, and State and local elected officials. *See* 13 CFR 306.5.

The review panel also will consider the extent to which a proposed project demonstrates strong organizational leadership by evaluating the extent to which:

(i) The University Center will maximize coordination with other relevant organizations and avoid duplication of services offered by other organizations;

(ii) The University Center will access, take advantage of, and be supported by other resources present at the sponsoring institution(s), especially the institution's economic development activities; and

(iii) Evidence presented in the application demonstrates the support and commitment of the highest management levels of the University Center's sponsoring institution(s), through both financial and non-financial means.

3. Feasibility of Project Budget. The review panel will evaluate the feasibility of the project budget, including but not limited to the reasonableness and the allowability of project costs and the feasibility of accomplishing the three-year scope of work in the target geographic region within the budget provided.

Selection Factors: EDA expects to fund the highest ranking applications. The Selecting Official normally will follow the recommendations of the review panel. However, the Selecting Official may decide not to make a selection, or he may select an application out of rank order for several reasons, including: (1) A determination that the application better meets the overall objectives of sections 2 and 207 of PWEDA (42 U.S.C. 3121 and 3147); (2) availability of program funding; (3) geographic balance in distribution of program funds; (4) balanced funding for a diverse group of institutions, to include smaller and rural institutions, which may form part of a broader consortium to serve diverse populations and areas within the regional office's territory; (5) the program objectives as provided in section I.A of the complete FFO; (6) the applicant's performance under previous federal financial assistance awards; or (7) the overall mix of services, service areas, and target audiences in the regional office's University Center portfolio. If the Selecting Official makes a selection out of rank order, he will document the rationale for the decision in writing.

Informational Teleconferences: For prospective applicants, the Atlanta regional office will hold an informational teleconference on March 4, 2009, at 10:30 a.m. Eastern Time. The Seattle regional office will hold its informational teleconference call on March 5, 2009, at 10 a.m. Pacific Time.

These teleconferences will provide general program information and information regarding the preparation of applications for funding under this competitive solicitation. To ensure the integrity of this competition, EDA will not provide substantive information regarding the competition to prospective applicants outside of these scheduled teleconferences.

To ensure that enough incoming lines are available for each caller, the Atlanta regional office requires interested parties planning to participate on the teleconference to register no later than 5 p.m. Eastern Time on February 27, 2009; the Seattle regional office requires interested parties planning to participate on the teleconference to register no later than 5 p.m. Pacific Time on February 27, 2009. To register, please send an e-mail with ''FY 2009 University Center Teleconference Registration'' in the subject line to the designated contact person in the Atlanta or Seattle regional office, as applicable, and provided above under **FOR FURTHER INFORMATION CONTACT**. The telephone number and pass code for each teleconference will be provided upon registration. *See also* section IV.D of the complete FFO announcement.

Please be advised that the informational teleconferences may be audio-taped and the actual recordings or a transcript of the actual recording may be made available online or otherwise for the benefit of prospective applicants unable to participate. Prospective applicants who choose to participate on the teleconferences are deemed to consent to the taping.

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements: Administrative and national policy requirements for all Department of Commerce awards are applicable to this competitive solicitation. These requirements may be found in the *Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements*, which was published in the **Federal Register** on February 11, 2008 (73 FR 7696). This notice may be accessed by entering the **Federal Register** volume and page number provided in the previous sentence at the following Internet Web site: *http://www.gpoaccess.gov/fr/index.html.*

Paperwork Reduction Act: This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Form ED–900 (*Application for Investment Assistance*) has been approved by the Office of Management and Budget (OMB) under the control number 0610–0094. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

Executive Order 12866: This notice has been determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism): It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/ Regulatory Flexibility Act: Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for rules concerning grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Dated: February 17, 2009.

Barry Bird,

Chief Counsel, Economic Development Administration.

[FR Doc. E9–3658 Filed 2–19–09; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcement of the American Petroleum Institute's Standards Activities

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of intent to develop or revise standards and request for public comment and participation in standards development.

SUMMARY: The American Petroleum Institute (API), with the assistance of other interested parties, continues to develop standards, both national and international, in several areas. This notice lists the standardization efforts currently being conducted by API committees. The publication of this notice by the National Institute of Standards and Technology (NIST) on behalf of API is being undertaken as a public service. NIST does not necessarily endorse, approve, or recommend the standards referenced.

ADDRESSES: American Petroleum Institute, 1220 L Street, NW., Washington, DC 20005; telephone (202) 682–8000, *http://www.api.org.*

FOR FURTHER INFORMATION CONTACT: All contact individuals listed in the supplementary information section of this notice may be reached at the American Petroleum Institute.

SUPPLEMENTARY INFORMATION:

Background

The American Petroleum Institute develops and publishes voluntary standards for equipment, materials, operations, and processes for the petroleum and natural gas industry. These standards are used by both private industry and by governmental agencies. All interested persons should contact the appropriate source as listed for further information.

Exploration and Production

Offshore Structures

Spec 2SC, 1st Edition, Manufacture of Structural Steel Castings for Primary Offshore Applications.

RP 2T, 3rd Edition, Planning, Designing and Constructing Tension Leg Platforms,

For Further Information Contact: Roland Goodman, Standards Department, e-mail: (*goodmanr@api.org*).

Oil Country Tubular Goods

Spec 5CRA, 1st Edition, Corrosion Resistant Alloy Seamless Tubes for use as Casing, Tubing and Coupling Stock—Technical Delivery Conditions.

Spec 5DP, 1st Edition, Drill Pipe (replaces Spec 5D and Spec 7).

Spec 5LD, 3rd Edition, CRA Clad or Lined Steel Pipe.

For Further Information Contact: Shail Ghaey, Standards Department, e-mail: (*ghaeys@api.org*).

Valves

Spec 6A, 20th Edition, Wellhead and Christmas Tree Equipment.

Spec 6A–718, 2nd Edition, Nickel Base Alloy 718.

For Further Information Contact: Ed Baniak, Standards Department, e-mail: (*baniake@api.org*).

Drilling Equipment

Spec 7K, 5th Edition, Drilling and Well Servicing Equipment.

RP 7G–2, 1st Edition, Rotary Drilling Equipment, Part 2, Inspection and classification of drill stem elements.

For Further Information Contact: Roland Goodman, Standards Department, e-mail: (*goodmanr@api.org*).

Well Cements and Completion Fluids

Spec 10A, 24th Edition, Cements and Materials for Well Cementing.

For Further Information Contact: Shail Ghaey, Standards Department, e-mail: (*ghaeys@api.org*).

Production Equipment

Spec 11AX 13th Edition, Subsurface Sucker Rod Pumps and Fittings,
Spec 11B, 27th Edition, Sucker Rods.
RP 11ER, 3rd Edition, Guarding of Pumping Units.
RP 11G, 5th Edition, Installation and Lubrication of Pumping Units.

For Further Information Contact: Ed Baniak, Standards Department, e-mail: (*baniake@api.org*).

Drilling Fluids

Spec 13A, 18th Edition, Drilling Fluid Materials.
RP 13B–1, 4th Edition, Field Testing Water-Based Drilling Fluids.
RP 13B–2, 5th Edition, Field Testing Oil-Based Drilling Fluids.
RP 13I, 8th Edition, Laboratory Testing Drilling Fluids.
Spec 13K, 3rd Edition, Chemical Analysis of Barite.

For Further Information Contact: Shail Ghaey, Standards Department, e-mail: (*ghaeys@api.org*).

Drilling Well Control Equipment

RP 16ST, 1st Edition, Recommended Practice for Coiled Tubing Well Control Equipment Systems and Operations.

For Further Information Contact: Roland Goodman, Standards Department, e-mail: (*goodmanr@api.org*).

Subsea Production Equipment

Spec 17D, 2nd Subsea Wellhead and Christmas Tree Equipment.
Spec 17E, 4th Edition, Subsea Umbilicals.
Spec 17L1, 1st Edition, Flexible Pipe Ancillary Equipment.
RP 17L2, 1st Edition, Flexible Pipe Ancillary Equipment.
RP 17N, 1st Edition, Subsea Reliability.
RP 17O, 1st Edition, High Intensity Pressure Protection Systems—HIPPS.
RP 17P, 1st Edition, Templates and Manifolds.
RP 17Q, 1st Edition, Subsea Qualification.

For Further Information Contact: Ed Baniak, Standards Department, e-mail: (*baniake@api.org*).

Completion Equipment

Spec 11V4, 1st Edition, Practices for Side-pocket Mandrels and Related Equipment.
RP 11V9, 1st Edition, Design, Operation, and Troubleshooting of Dual Gas-lift Wells.

For Further Information Contact: Roland Goodman, Standards Department, e-mail: (*goodmanr@api.org*).

Supply Chain Management

Spec 20C, 1st Edition, Closed Die Forgings for use in the Petroleum and Natural Gas Industry.

For Further Information Contact: Roland Goodman, Standards Department, e-mail: (*goodmanr@api.org*).

Quality Management System

Spec Q1, 9th Edition, Quality Programs.

For Further Information Contact: Ed Baniak, Standards Department, e-mail: (*baniake@api.org*).

Meetings/Conferences: The 2009 Summer Standardization Conference on Oilfield Equipment and Materials will take place in Westminister, Colorado, June 22–26, 2009. Interested parties may visit the API Web site at *http://www.api.org/meetings/* for more information regarding participation in this meeting.

Executive Committee on Drilling and Production Operations

RP 65–1, 2nd Edition, Cementing Shallow Water Flow Zones in Deepwater Wells.

For Further Information Contact: Tim Sampson, Upstream and Industry Operations, e-mail: (*sampson@api.org*).

Marketing and Aviation

RP 1615, Installation of Underground Petroleum Storage Systems, 6th Edition.
RP 1626, Storing and Handling of Ethanol, 2nd Edition.
RP 1541, Protective Coating used in Jet Fuel Tanks, 1st Edition.
RP 1543, Documentation, Monitoring and Laboratory Testing of Jet Fuel, 1st Edition.

For Further Information Contact: Steve Crimaudo, Standards Department, e-mail: (*crimaudos@api.org*).

Petroleum Measurement

Measurement Quality

MPMS Chapter 9.1 (ANSI/ASTM D1298), Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method, 3rd Edition.
MPMS Chapter 9.2 (ANSI/ASTM D1657), Standard Test Method for Density of Relative Density of Light Hydrocarbons by Pressure Hydrometer, 3rd Edition.
MPMS Chapter 9.3 (ANSI/ASTM D6822), Standard Test Method for Density, Relative Density, and API Gravity of Crude Petroleum and Liquid Petroleum Products by Thermohydrometer Method, 3rd Edition.
MPMS Chapter 10.10, The Determination of Water in Crude oil and Products Using Online Water Metering, 1st Edition.

For Further Information Contact: Sally Goodson, Standards Department, e-mail: (*goodsons@api.org*).

Gas Fluid Measurement

MPMS Chapter 14.3.1, Concentric, Square-edged Orifice Meters—Part 1—General Equations and Uncertainty Guidelines, 4th Edition.
MPMS Chapter 14.3.3, Concentric, Square-edged Orifice Meters—Part 3—Natural Gas Applications, 4th Edition.
MPMS Chapter 14.3.4, Concentric, Square-edged Orifice Meters—Part 4—Background, Development, Implementation Procedures and Subroutine Documentation, 4th Edition.
MPMS Chapter 14.5, Calculation of Gross Heating Value, Relative Density, Compressibility and Theoretical Hydrocarbon Liquid Content for Natural Gas Mixtures for Custody Transfer, 3rd Edition.

For Further Information Contact: Paula Watkins, Standards Department, e-mail (*watkinsp@api.org*).

Measurement Accountability

API MPMS Chapter 17.11, Measurement and Sampling of Cargoes on Board Tank Vessels Using Closed and Restricted Equipment, 1st Edition.

For Further Information Contact: Sally Goodson, Standards Department, e-mail: (*goodsons@api.org*).

Evaporative Loss Estimation

Publ. 2514A, Atmospheric Hydrocarbon Emissions from Marine Vessel Transfer Operations, 3rd Edition.

For Further Information Contact: Paula Watkins, Standards Department, e-mail: (*watkinsp@api.org*).

Production Measurement and Allocation

MPMS Chapter 20.6, Recommended Practice for Production Allocation Methodologies and Techniques, 1st Edition.

For Further Information Contact: Paula Watkins, Standards Department, e-mail: (*watkinsp@api.org*).

Liquid Measurement

MPMS Chapter 4.5, Master Meter Provers, 3rd Edition.

MPMS Chapter 4.7, Field-Standard Test Measures, 3rd Edition.
MPMS Chapter 4.9.4, Determination of the Volume of Displacement and Tank Provers by the Gravimetric Method of Calibration, 1st Edition.
MPMS Chapter 5.3 Addendum to the 5th Edition of Measurement of Liquid Hydrocarbons by Turbine Meters.
MPMS Chapter 12.1.2, Calculation of Static Petroleum Quantities—Part 2—Calculation Procedures for Tank Cars, 2nd Edition.

For Further Information Contact: Paula Watkins, Standards Department, e-mail: (*watkinsp@api.org*).

Meetings/Conferences: The Spring Committee on Petroleum Measurement Meeting will be held in Dallas, Texas, March 23–26, 2009. The Fall Committee on Petroleum Measurement Meeting will be held in Calgary, Alberta, Canada, October 12–15, 2009. Interested parties may visit the API Web site at *http://www.api.org/meetings/* for more information regarding participation in these meetings.

Pipeline

RP 1111, 4th Edition, Design, Construction, Operation and Maintenance of Offshore Hydrocarbon Pipelines and Risers.
RP 1164, 2nd Edition, SCADA Security.
RP 1160, 2nd Edition, Managing System Integrity for Hazardous Liquid Pipelines.
RP 1161, 2nd Edition, Qualification of Liquid Pipeline Personnel.
RP 1162, 2nd Edition, Public Awareness Programs for Pipeline Operations.
RP 1167, 1st Edition, Alarm Management.
RP 1109, 4th Edition, Marking Liquid Petroleum Pipeline Facilities.
RP 2200, 4th Edition, Repairing Crude Oil, Liquefied Petroleum Gas and Product Pipelines.

For Further Information Contact: Ed Baniak, Standards Department, e-mail: (*baniake@api.org*).

Process Safety Management

RP 752, Facility Siting, 3rd Edition.
RP 754, Process Safety Performance Indicators, 1st Edition.
RP 755, Fatigue Prevention Guidelines, 1st Edition.

For Further Information Contact: David Soffrin, Standards Department, e-mail: (*soffrind@api.org*).

Refining

Aboveground Storage Tanks

Std 653, Tank Inspection, Repair, Alteration, and Reconstruction, 4th Edition.
Std 620, Large, Welded, Low-pressure Storage Tanks, 11th Edition.

For Further Information Contact: Steve Crimaudo, Standards Department, e-mail: (*crimaudos@api.org*).

Piping and Valves

API 600, Bolted Bonnet Gate Valves, 12th Edition.
Std 602, Gate, Globe and Check Valves, 9th Edition.
RP 615, Valve Selection, 1st Edition.

For Further Information Contact: Gordon Robertson, Standards Department, e-mail: (*robertsong@api.org*).

Electrical Equipment

RP 500, Electrical Area Classification (U.S. protocols), 3rd Edition.
RP 505, Electrical Area Classification (International protocols), 2nd Edition.
Std 541, Squirrel Cage Induction Motors, 5th Edition.
RP 545, Lightning Protection for Aboveground Tanks, 1st Edition.

For Further Information Contact: Gordon Robertson, Standards Department, e-mail: (*robertsong@api.org*).

Heat Transfer Equipment

Std 663, Multiple Hairpin Heat Exchangers, 1st Edition.
Std 664, Spiral Plate Heat Exchangers, 1st Edition.

For Further Information Contact: Gordon Robertson, Standards Department, e-mail: (*robertsong@api.org*).

Instruments and Control Systems

API 555, Process Analyzers, 3rd Edition.

For Further Information Contact: Gordon Robertson, Standards Department, e-mail: (*robertsong@api.org*).

Corrosion and Materials

RP 571, Damage Mechanisms Affecting Fixed Equipment, 2nd Edition.
RP 932 B, Corrosion Control in REAC Systems, 2nd Edition.

For Further Information Contact: Steve Crimaudo, Standards Department, e-mail: (*crimaudos@api.org*).

Inspection

API 570, Piping Inspection Code, 3rd Edition.
RP 572, Inspection of Pressure Vessels, 3rd Edition.
RP 574, Inspection of Piping System Components, 3rd Edition.
RP 576, Inspection of Pressure Relieving Devices, 3rd Edition.
RP 578, Materials Verification Program, 2nd Edition.
RP 580, Risk Based Inspection, 2nd Edition.

For Further Information Contact: David Soffrin, Standards Department, e-mail: (*soffrind@api.org*).

Pressure Relieving Systems

RP 526, Flanged Steel Pressure Relief Valves, 3rd Edition.
Std 2000, Venting Atmospheric and Low-pressure Storage Tanks, 6th Edition.

For Further Information Contact: Steve Crimaudo, Standards Department, e-mail: (*crimaudos@api.org*).

Mechanical Equipment

Std 616, Gas Turbines, 5th Edition.
Std 673, Centrifugal Fans, 3rd Edition.
Std 674, Reciprocating Positive Displacement Pumps, 3rd Edition.
Std 676, Rotary Positive Displacement Pumps, 3rd Edition.
Publ 684, Rotor Dynamics and Balancing, 3rd Edition.
RP 686, Machinery Installation and Design, 2nd Edition.

For Further Information Contact: Gordon Robertson, Standards Department, e-mail: (*robertsong@api.org*).

Meetings/Conferences: The Spring Refining and Equipment Standards Meeting will be held in Denver, Colorado, April 27–29, 2009. The Fall Refining and Equipment Standards Meeting will be held in Dallas, Texas, November 9–11, 2009. Interested parties may visit the API Web site at *http://www.api.org/meetings/* for more information regarding participation in these meetings.

Safety and Fire Protection

Publ 2510A, Design, Construction, Operation of LPG Storage Facilities, 3rd Edition.
Publ 2218, Fireproofing Practices in Processing Facilities, 3rd Edition.
RP 2210, Flame Arrestors for Tank Vents, 4th Edition.
RP 2028, Flame Arrestors in Piping Systems, 4th Edition.
RP 2030, Fixed Water Spray Systems for Fire Protection, Addendum to 3rd Edition.
RP 2217A, Safe Work in Inert Confined Spaces, Addendum to 3rd Edition.
RP 2001, Fire Protection in Refineries, Addendum to 8th Edition.

For Further Information Contact: David Soffrin, Standards Department, e-mail: (*soffrind@api.org*).

For Additional Information on the overall API standards program, Contact: David Miller, Standards Department, e-mail: *miller@api.org*.

Dated: February 13, 2009.

Patrick Gallagher,

Deputy Director.

[FR Doc. E9–3662 Filed 2–19–09; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: 0812021541–81547–01]

Measurement, Science and Engineering Research Grants Programs; Availability of Funds

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) announces that the following programs are soliciting applications for financial assistance for FY 2009: (1) The Electronics and Electrical Engineering Laboratory Grants Program; (2) the Manufacturing Engineering Laboratory Grants Program; (3) the Chemical Science and Technology Laboratory Grants Program; (4) the Physics Laboratory Grants Program; (5) the Materials Science and Engineering Laboratory Grants Program; (6) the Building Research Grants and Cooperative Agreements Program; (7) the Fire Research Grants Program; (8) the Information Technology Laboratory Grants Program; (9) the NIST Center for Neutron Research Grants Program; and (10) Center for Nanoscale Science and Technology Grants Program.

Each program will only consider applications that are within the scientific scope of the program as described in this notice and in the detailed program descriptions found in the Federal Funding Opportunity (FFO) announcement for these programs. Prior to preparation of a proposal, it is strongly suggested that potential applicants contact the Program Manager for the appropriate field of research, as specified in the FFO announcement found at *http://www.grants.gov*, for clarification of the program objectives and to determine whether their proposal is responsive to this notice.

DATES: For all programs listed in this notice applications will be considered on a continuing basis. Applications received after June 1, 2009 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. Applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2010 solicitation for the NIST Measurement, Science and Engineering Research Grants Programs in order to be processed under this solicitation.

ADDRESSES: See below.

SUPPLEMENTARY INFORMATION:

Catalog of Federal Domestic Assistance Name and Number: Measurement and Engineering Research and Standards—11.609.

Electronics and Electrical Engineering Laboratory (EEEL) Grants Program:

Program Description: The *Electronics and Electrical Engineering Laboratory (EEEL) Grants Program* will provide grants and cooperative agreements for the development of fundamental electrical metrology and of metrology supporting industry and government agencies in the broad areas of semiconductors, electronic instrumentation, radio-frequency technology, optoelectronics, magnetics, superconductors, electronic commerce as applied to electronic products and devices, the transmission and distribution of electrical power, national electrical standards (fundamental, generally quantum-based physical standards), and law enforcement standards. Financial support may be provided for conferences, workshops, or other technical research meetings that are relevant to the mission of the Electronics and Electrical Engineering Laboratory. Specific information regarding program objectives can be found in the corresponding Federal Funding Opportunity for this announcement.

DATES: Applications will be considered on a continuing basis. Applications received after June 1, 2009 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. All applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2010 solicitation for the NIST Measurement, Science and Engineering Research Grants Programs in order to be processed under this solicitation.

ADDRESSES: Paper applications must be submitted to: Sheilda Bryner, Electronics and Electrical Engineering Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8100, Gaithersburg, MD 20899–8100. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov*.

FOR FURTHER INFORMATION CONTACT: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) at *http://www.grants.gov*. A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Sheilda Bryner, Electronics and Electrical Engineering Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8100, Gaithersburg, MD 20899–8100, Tel.: (301) 975–2220, Fax: (301) 975–4091. Grants administration questions concerning this program should be addressed to: Christopher Hunton, NIST Grants and Agreements Management Division, (301) 975–5718; *christopher.hunton@nist.gov*. For assistance with using *http://www.grants.gov*, contact *support@grants.gov*.

Funding Availability: In fiscal year 2008, the *EEEL Grants Program* made 7 new awards, totaling $388,497. The amount available each year fluctuates considerably based on programmatic needs and funding availability. For FY 2009, individual awards are expected to range between $5,000 and $150,000.

For the *Electronics and Electrical Engineering Laboratory Grants Program*, proposals will be considered for research projects from one to three years. When a proposal for a multi-year award is approved, funding will generally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional funding in connection with that award. Continuation of an award to increase funding or extend the period of performance is at the total discretion of NIST. Funding for each subsequent year of a multi-year proposal will be contingent upon satisfactory progress, continued relevance to the mission of the *Electronics and Electrical Engineering Laboratory Grants Program*, and the availability of funds. Multi-year awards must have scopes of work that can be easily separated into annual increments of meaningful work that represent solid accomplishments if prospective funding is not made available to the applicant (*i.e.*, the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves).

Statutory Authority: As authorized by 15 U.S.C. 272(b) and (c), the NIST Electronics and Electrical Engineering Laboratory conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *Electronics and Electrical Engineering Laboratory Grants*

Program is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: For the *Electronics and Electrical Engineering Laboratory Grants Program,* proposals will be reviewed in a three-step process. First, the EEEL Grants Coordinator, or the Deputy Director of EEEL, will determine the compatibility of the applicant's proposal with EEEL Program Areas and the relevance to the objectives of the *Electronics and Electrical Engineering Laboratory Grants Program,* described in the Program Description section above. If it is determined that the proposal is incomplete or non-responsive to the scope of the stated objectives, the proposal will not be reviewed for technical merit. If it is determined that sufficient funding is not available to consider grant and cooperative agreement proposals in the technical area of the proposal, the proposal will not be reviewed for technical merit. One copy of any such proposal will be retained for recordkeeping purposes for three years and all remaining copies will be destroyed. Proposers may contact EEEL at 301–975–2220 to find out if funds have been exhausted for the fiscal year. EEEL will also post a notice on its Web site, *http://www.eeel.nist.gov/eeel_grants/*, when funds are exhausted for the fiscal year. EEEL will notify proposers in writing if their proposals are not reviewed for technical merit.

Second, proposals will be distributed for technical review by the EEEL Grants Coordinator, or other technical professionals familiar with the programs of the Electronics and Electrical Engineering Laboratory, to the appropriate Division or Office based on technical area. At least three independent, objective individuals knowledgeable about the particular scientific area addressed by the proposal will conduct a technical review based on the evaluation criteria. If non-Federal reviewers are used, the reviewers may discuss the proposals with each other, but scores will be determined on an individual basis, not as a consensus.

Reviews will be conducted on a monthly basis, and all proposals received on or before the 15th day of the month will be ranked based on the reviewers' scores.

Third, the Division Chief or Office Director will make application selections. In making application selections, the Division Chief or Office Director will take into consideration the results of the reviewers' evaluations, the availability of funding, and relevance to the objectives of the *Electronics and Electrical Engineering Laboratory Grants Program,* as described in the Program Description section above. The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice and the FFO, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decision of the Grants Officer is final.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for recordkeeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: For the *Electronics and Electrical Engineering Laboratory Grants Program,* the evaluation criteria and weights to be used by the technical reviewers in evaluating the proposals are as follows:

1. Rationality. Reviewers will consider the coherence of the applicant's approach and the extent to which the proposal effectively addresses scientific and technical issues.

2. Technical Merit of Contribution. Reviewers will consider the potential technical effectiveness of the proposal and the value it would contribute to the field of electronics, electrical engineering, and metrology research. Proposals must be relevant to current EEEL research and have a relation to the objectives of ongoing EEEL programs and activities.

3. Qualifications of Technical Personnel. Reviewers will consider the professional accomplishments, skills, and training of the proposed personnel to perform the work in the project.

4. Resources Availability. Reviewers will consider the extent to which the proposer has access to the necessary facilities and overall support to accomplish project objectives.

Each of these factors will be given equal weight in the evaluation process.

Cost Share Requirements: The *Electronics and Electrical Engineering Laboratory Grants Program* does not require any matching funds.

Manufacturing Engineering Laboratory (MEL) Grants Program:

Program Description: The *Manufacturing Engineering Laboratory (MEL) Grants Program* will provide grants and cooperative agreements in the following fields of research: Dimensional Metrology for Manufacturing, Mechanical Metrology for Manufacturing, Machine Tool and Machining Process Metrology, Intelligent Systems, and Information Systems Integration for Applications in Manufacturing. Financial support may be provided for conferences, workshops, or other technical research meetings that are relevant to the mission of the Manufacturing Engineering Laboratory. Specific information regarding program objectives can be found in the corresponding Federal Funding Opportunity for this announcement.

DATES: Applications will be considered on a continuing basis. Applications received after June 1, 2009 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. All applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2010 solicitation for the NIST Measurement, Science and Engineering Research Grants Programs in order to be processed under this solicitation.

ADDRESSES: Paper applications must be submitted to: Ms. Alana Glover, Manufacturing Engineering Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8200, Gaithersburg, Maryland 20899–8200. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov*.

FOR FURTHER INFORMATION CONTACT: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov*. A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Ms. Alana Glover, Manufacturing Engineering Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8200, Gaithersburg, Maryland 20899–8200, Tel: (301) 975–3400, e-mail: *aglover@nist.gov*. Grants administration questions concerning this program should be addressed to: Christopher Hunton, NIST Grants and Agreements Management Division, (301) 975–5718; *christopher.hunton@nist.gov*. For assistance with using *http://www.grants.gov*, contact *support@grants.gov*.

Funding Availability: In fiscal year 2008, the *MEL Grants Program* funded six new awards, totaling $386,846. In fiscal year 2009 individual awards are expected to range from approximately $25,000 to $250,000.

For the *MEL Grants Program,* proposals will be considered for research projects from one to five years. When a proposal for a multi-year award is approved, funding will generally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional funding in connection with that award. Continuation of an award to increase funding or extend the period of performance is at the total discretion of NIST. Funding for each subsequent year of a multi-year proposal will be contingent upon satisfactory progress, continued relevance to the mission of the *MEL Grants Program,* and the availability of funds. Multi-year awards must have scopes of work that can be easily separated into annual increments of meaningful work that represent solid accomplishments if prospective funding is not made available to the applicant (*i.e.*, the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves).

Statutory Authority: As authorized under 15 U.S.C. 272(b) and (c), the MEL conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *MEL Grants Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: For the *MEL Grants Program* responsive proposals will be assigned, as received on a rolling basis, to the most appropriate area for review. Proposals will be reviewed on a rolling basis in a three-step process. First, the MEL Deputy Director or the appropriate MEL Division Chief will determine the applicability of the proposal with regard to MEL programs and the relevance of the proposal's objectives to current MEL research. If it is determined that the proposal is incomplete or non-responsive to the scope of the stated objectives, the proposal will not be reviewed for technical merit. One copy of any such proposal will be retained for recordkeeping purposes for three years and all remaining copies will be destroyed. Second, the appropriate MEL Division Chief or MEL Program Manager will determine the possibility for funding availability within the MEL technical program area most relevant to the objectives of the proposal. If it is determined that sufficient funding is not available to consider grant and cooperative agreement proposals in the technical area of the proposal, the proposal will not be reviewed for technical merit. One copy of any such proposal will be retained for recordkeeping purposes for three years and all remaining copies will be destroyed. Proposers may contact MEL at 301–975–3400 to find out if funds have been exhausted for the fiscal year. MEL will also post a notice on its Web site, *http://www.mel.nist.gov* when funds are exhausted for the fiscal year. MEL will notify proposers in writing if their proposals are not reviewed for technical merit. Third, if the proposal passes the first two steps, at least three independent, objective individuals knowledgeable about the particular scientific area addressed by the proposal will conduct a technical review based on the evaluation criteria. If non-Federal reviewers are used, the reviewers may discuss the proposal with each other, but scores will be determined on an individual basis, not as a consensus.

The MEL Director or appropriate MEL Division Chief will make application selections from the grants proposals submitted. In making the application selections, the Laboratory Director or Division Chief will take into consideration the results of the reviewers' evaluations, the availability of funds, and relevance to the objectives or research areas of the *MEL Grants Program.* These objectives are described above in the Program Description section.

The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice and the FFO, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decision of the Grants Officer is final.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for recordkeeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: For the *MEL Grants Program,* the evaluation criteria the technical reviewers will use in evaluating the proposals are as follows:

1. Rationality. Reviewers will consider the coherence of the applicant's approach and the extent to which the proposal effectively addresses scientific and technical issues.

2. Technical Merit of Contribution. Reviewers will consider the potential technical effectiveness of the proposal and the value it would contribute to the field of manufacturing engineering and metrology research. Proposals must be relevant to current MEL research and have a relation to the objectives of ongoing MEL programs and activities.

3. Qualifications of Technical Personnel. Reviewers will consider the professional accomplishments, skills, and training of the proposed personnel to perform the work in the project.

4. Resources Availability. Reviewers will consider the extent to which the proposer has access to the necessary facilities and overall support to accomplish project objectives.

Each of these factors will be given equal weight in the evaluation process.

Cost Share Requirements: The *MEL Grants Program* does not require any matching funds.

Chemical Science and Technology Laboratory Grants Program:

Program Description: The *Chemical Science and Technology Laboratory (CSTL) Grants Program* will provide grants and cooperative agreements consistent with the CSTL mission in the following fields of measurement science research, focused on reference methods, reference materials and reference data: Biochemical Science, Chemical and Biochemical Reference Data, Process Measurements, Surface and Microanalysis Science, Thermophysical Properties, and Analytical Chemistry. Financial support may be provided for conferences, workshops, or other technical research meetings that are relevant to the mission of the CSTL. Specific information regarding program objectives can be found in the corresponding Federal Funding Opportunity for this announcement.

The Programs are structured to support CSTL's three objectives:

1. Provide the national traceability and international comparability structure for measurements in chemistry, chemical engineering, and biochemical sciences.

2. Assure that U.S. industry has access to accurate and reliable data and predictive models to determine the chemical and physical properties of materials and processes.

3. Anticipate and address next-generation measurement needs of the Nation.

DATES: Applications will be considered on a continuing basis. Applications received after June 1, 2009 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. All applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2010 solicitation for the NIST Measurement, Science and Engineering Research Grants Programs in order to be processed under this solicitation.

ADDRESSES: Paper applications must be submitted to: Ms. Donna Kimball, Chemical Science and Technology Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8300, Gaithersburg, MD 20899–8300. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov*.

FOR FURTHER INFORMATION CONTACT: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov*. A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Ms. Donna Kimball, Chemical Science and Technology Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8300, Gaithersburg, MD 20899–8300, Tel: (301) 975–8300, e-mail: *donna.kimball@nist.gov*. Grants administration questions concerning this program should be addressed to: Christopher Hunton, NIST Grants and Agreements Management Division, (301) 975–5718; *christopher.hunton@nist.gov*. For assistance with using *http://www.grants.gov*, contact *support@grants.gov*.

Funding Availability: No funds have been set aside specifically for the *CSTL Grants Program.* The availability of funds depends upon actual authorization of funds and other costs expected to be incurred by individual divisions within the laboratory. Where funds are identified as available for grants, those funds will be awarded to highly ranked proposals as determined by the process described in this notice.

In fiscal year 2008, the *CSTL Grants Program* funded 5 new awards, totaling $374,349. In fiscal year 2009, the *CSTL Grants Program* anticipates funding of approximately $1,000,000. Individual awards are expected to range from approximately $5,000 to $200,000.

For the *Chemical Science and Technology Laboratory Grant Program,* proposals will be considered for research projects from one to three years. When a proposal for a multi-year award is approved, funding will generally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional funding in connection with that award. Continuation of an award to increase funding or extend the period of performance is at the total discretion of NIST. Funding for each subsequent year of a multi-year proposal will be contingent upon satisfactory progress, continued relevance to the mission of the *Chemical Science and Technology Laboratory Grants Program,* and the availability of funds. The multi-year awards must have scopes of work that can be easily separated into annual increments of meaningful work that represent solid accomplishments if prospective funding is not made available to the applicant (*i.e.*, the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves).

Statutory Authority: As authorized under 15 U.S.C. 272(b) and (c), the Chemical Science and Technology Laboratory conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *Chemical Science and Technology Laboratory Grants Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: For the *Chemical Science and Technology Laboratory Grants Program,* proposals will be reviewed in a three-step process. First, the CSTL Grants Coordinator, the Deputy Director of CSTL or the corresponding CSTL Division Chief will determine the compatibility of the applicant's proposal with CSTL Program Areas and the relevance to the objectives of the *Chemical Science and Technology Laboratory Grants Program,* described in the Program Description section above. If it is determined that the proposal is incomplete or non-responsive to the scope of the stated objectives, the proposal will not be reviewed for technical merit. One copy of any such proposal will be retained for recordkeeping purposes for three years and all remaining copies will be destroyed.

Second, at least three independent, objective individuals knowledgeable about the particular measurement science area addressed by the proposal will conduct a technical review based on the evaluation criteria. Reviews will be conducted on a quarterly basis, subject to the availability of funds, and all responsive, complete proposals received and reviewed since the last quarter will be ranked based on the reviewers' scores. If non-Federal reviewers are used, the reviewers may discuss the proposals with each other, but scores will be determined on an individual basis, not as a consensus.

Third, the Division Chief or the CSTL Deputy Director, generally after collaboration, will make application selections, taking into consideration the results of the reviewers' evaluations, the availability of funds, and the relevance to the objectives or research areas described in the Program Description section above.

The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice and the FFO, compliance with applicable legal and regulatory requirements, whether the application furthers the objectives of the Department of Commerce, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decisions of the Grants Officer are final.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for record keeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: For the *Chemical Science and Technology Laboratory Grants Program,* the evaluation criteria the technical reviewers will use in evaluating the proposals are as follows:

1. Rationality. Reviewers will consider the coherence of the applicant's approach and the extent to which the proposal effectively addresses scientific and technical issues.

2. Qualifications of Technical Personnel. Reviewers will consider the professional accomplishments, skills, and training of the proposed personnel to perform the work in the project.

3. Resources Availability. Reviewers will consider the extent to which the proposer has access to the necessary facilities and overall support to accomplish project objectives.

4. Technical Merit of Contribution. Reviewers will consider the potential technical effectiveness of the proposal and the value it would contribute to the field of measurement science, especially as it pertains to reference methods, reference materials and reference data in Chemical Science and Technology.

Each of these factors will be given equal weight in the evaluation process.

Cost Share Requirements: The *Chemical Science and Technology Laboratory Grants Program* does not require any matching funds.

Physics Laboratory Grants Program:

Program Description: The *Physics Laboratory (PL) Grants Program* will provide grants and cooperative agreements in the following fields of research: Electron and Optical Physics, Atomic Physics, Optical Technology, Ionizing Radiation, Time and Frequency, and Quantum Physics. Specific information regarding program objectives can be found in the corresponding Federal Funding Opportunity for this announcement. Financial support may be provided for conferences, workshops, or other technical research meetings that are relevant to the mission of the Physics Laboratory.

DATES: Applications will be considered on a continuing basis. Applications received after June 1, 2009 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. All applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2010 solicitation for the NIST Measurement Science and Engineering Research Grants Programs in order to be processed under this solicitation.

ADDRESSES: Paper applications must be submitted to: Ms. Anita Sweigert, Physics Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8400, Gaithersburg, MD 20899–8400. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov*.

FOR FURTHER INFORMATION CONTACT: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov*. A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Ms. Anita Sweigert, Physics Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8400, Gaithersburg, MD 20899–8400, Tel (301) 975–4200, e-mail: *anita.sweigert@nist.gov*. It is strongly suggested to first confirm the program objectives with the Program Manager prior to preparing a detailed proposal. Grants administration questions concerning this program should be addressed to: Christopher Hunton, NIST Grants and Agreements Management Division, (301) 975–5718; *christopher.hunton@nist.gov*. For assistance with using *http://www.grants.gov* contact, *support@grants.gov*.

Funding Availability: In fiscal year 2008, the *PL Grants Program* funded 17 new awards, totaling $1,035,295. In fiscal year 2009, the *PL Grants Program* anticipates funding of approximately $1,500,000, including new awards and continuing projects. Funding availability will be apportioned by quarter. Individual awards are expected to range from approximately $5,000 to $500,000 per year.

For the *Physics Laboratory Grants Program,* proposals will be considered for research projects from one to five years. When a proposal for a multi-year project is approved, funding will generally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional funding in connection with that award. Continuation of an award to increase funding or extend the period of performance is at the total discretion of NIST. Funding for each subsequent year of a multi-year proposal will be contingent upon satisfactory progress, continued relevance to the mission of the *Physics Laboratory Grants Program,* and the availability of funds. Multi-year awards must have scopes of work that can be easily separated into annual increments of meaningful work that represent solid accomplishments if prospective funding is not made available to the applicant (*i.e.*, the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves).

Statutory Authority: As authorized under 15 U.S.C. 272(b) and (c), the Physics Laboratory conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *Physics Laboratory Grants Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: For the *Physics Laboratory Grants Program,* responsive proposals will be considered as follows: If a preliminary review determines that the proposal is incomplete or non-responsive to the scope of the stated objectives, the proposal will not be reviewed for technical merit. One copy of any such proposal will be retained for recordkeeping purposes for three years and all remaining copies will be destroyed. All applications that are complete and responsive to the solicitation will be reviewed for technical merit.

First, at least three independent, objective individuals knowledgeable about the particular scientific area described in the proposal will conduct a technical review of each proposal, based on the evaluation criteria described in the Evaluation Criteria section below. Reviews will be conducted on a monthly basis within each division of the Physics Laboratory, and all proposals received during the month will be ranked based on the reviewers' scores. If non-Federal reviewers are used, reviewers may discuss the proposals with each other, but scores will be determined on an individual basis, not as a consensus.

Next, the Division Chief will make final application selections, taking into consideration the results of the reviewers' evaluations, including rank; the compilation of a slate that, when taken as a whole, is likely to best further the program interests described in the Program Description section above; and the availability of funds. The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible.

Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award.

The decisions of the Grants Officer are final.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for recordkeeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: For the *Physics Laboratory Grants Program,* the evaluation criteria the technical reviewers will use in evaluating the proposals are as follows:

1. Rationality. Reviewers will consider the coherence of the applicant's approach and the extent to which the proposal effectively addresses scientific and technical issues that are relevant to Physics Laboratory programs.

2. Qualifications of Technical Personnel. Reviewers will consider the professional accomplishments, skills, and training of the proposed personnel to perform the work in the project.

3. Resources Availability. Reviewers will consider the extent to which the proposer has access to the necessary facilities and overall support to accomplish project objectives.

4. Technical Merit of Contribution. Reviewers will consider the potential technical effectiveness of the proposal and the value it would contribute to the field of physics.

Each of these factors will be given equal weight in the evaluation process.

Cost Share Requirements: The *Physics Laboratory Grants Program* does not require any matching funds.

MSEL Grants Program:

Program Description: The *Materials Science and Engineering Laboratory (MSEL) Grants Program* will provide grants and cooperative agreements in the following fields of research: Ceramics; Metallurgy; Polymers; and Materials Reliability. Specific information regarding program objectives can be found in the corresponding Federal Funding Opportunity for this announcement. Financial support may be provided for conferences, workshops, or other technical research may be provided for conferences, workshops, or other technical research meetings that are relevant to the mission of the MSEL.

DATES: Applications will be considered on a continuing basis. Applications received after June 1, 2009 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. All applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2010 solicitation for the NIST Measurement, Science and Engineering Research Grants Programs in order to be processed under this solicitation.

ADDRESSES: Paper applications must be submitted to: Ms. Nancy Selepak, Materials Science and Engineering Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8500, Gaithersburg, Maryland 20899–8500. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov*.

FOR FURTHER INFORMATION CONTACT: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov*. A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Ms. Nancy Selepak, Materials Science and Engineering Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8500, Gaithersburg, Maryland 20899–8500, Tel: (301) 975–2047, e-mail: *nancy.selepak@nist.gov*. Grants administration questions concerning this program should be addressed to: Christopher Hunton, NIST Grants and Agreements Management Division, (301) 975–5718; *christopher.hunton@nist.gov*. For assistance with using *http://www.grants.gov*, contact *support@grants.gov*.

Funding Availability: In fiscal year 2008, the *MSEL Grants Program* funded 16 new awards, totaling $1,563,502. In fiscal year 2009, the *MSEL Grants Program* anticipates funding of approximately $3,500,000, including new awards and continuing projects. Most grants and cooperative agreements are expected to be in the $2,000 to $500,000 per year range.

For the *MSEL Grants Program,* proposals will be considered for research projects from one to five years. When a proposal for a multi-year award is approved, funding will generally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional funding in connection with that award. Continuation of an award to increase funding or extend the period of performance is at the total discretion of NIST. Funding for each subsequent year of a multi-year proposal will be contingent upon satisfactory progress, continued relevance to the mission of the *MSEL Grants Program,* and the availability of funds. The multi-year awards must have scopes of work that can be easily separated into annual increments of meaningful work that represent solid accomplishments if prospective funding is not made available to the applicant (*i.e.*, the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves).

Statutory Authority: As authorized under 15 U.S.C. 272(b) and (c), the MSEL conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *MSEL Grants Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: For the *MSEL Grants Program* proposals will be reviewed in a two-step process. If a preliminary review determines that the proposal is incomplete or non-responsive to the scope of the stated objectives, the proposal will not be reviewed for technical merit. One copy of any such proposal will be retained for recordkeeping purposes for three years and all remaining copies will be destroyed. All applications that are complete and responsive to the solicitation will be reviewed for technical merit.

First, at least three independent, objective individuals knowledgeable in the particular scientific area addressed by the proposal will conduct a technical review. Proposals are received and will be reviewed on a rolling basis based on the evaluation criteria. If non-Federal reviewers are used, the reviewers may discuss the proposals with each other, but scores will be determined on an individual basis, not as a consensus. Second, the Division Chief or Laboratory Deputy Director will make application selections. In making application selections, the Division Chief or Laboratory Deputy Director will take into consideration the results of the reviewers' evaluations, the availability of funds, and relevance to the objectives or research areas of the MSEL Grants Program, described in the Program Description section of the FFO. For applications for funding for conferences, workshops, or other technical research meetings, the Division Chief or Laboratory Deputy Director will also take into consideration whether they align with ongoing MSEL programmatic activities. The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice and the FFO, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decision of the Grants Officer is final.

Unsuccessful applicants will be notified in writing. The Program will

retain one copy of each unsuccessful application for three years for record-keeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: For the *MSEL Grants Program,* the evaluation criteria the technical reviewers will use in evaluating the proposals are as follows:

1. Rationality. Reviewers will consider the coherence of the applicant's approach and the extent to which the proposal effectively addresses scientific and technical issues.

2. Qualifications of Technical Personnel. Reviewers will consider the professional accomplishments, skills, and training of the proposed personnel to perform the work in the project.

3. Resources Availability. Reviewers will consider the extent to which the proposer has access to the necessary facilities and overall support to accomplish project objectives.

4. Technical Merit of Contribution. Reviewers will consider the potential technical effectiveness of the proposal and the value it would contribute to the field of materials science and engineering. Proposals must be relevant to current MSEL research and have a relation to the objectives of ongoing MSEL programs and activities.

Each of these factors will be given equal weight in the evaluation process.

Cost Share Requirements: The *MSEL Grants Program* does not require any matching funds.

Building Research Grants and Cooperative Agreements Program:

Program Description: The *Building Research Grants and Cooperative Agreements Program* will provide grants and cooperative agreements in the following fields of research: Structures, Construction Metrology and Automation, Inorganic Materials, Polymeric Materials, HVAC & R Equipment Performance, Mechanical Systems and Controls, Heat Transfer and Alternative Energy Systems, Computer Integrated Building Processes, Indoor Air Quality and Ventilation, and Building Economics. Financial support may be provided for conferences, workshops, or other technical research meetings that are relevant to the mission of the Building and Fire Research Laboratory.

The Building Research Grants and Cooperative Agreements Program supports the formal mission of the Building and Fire Research Laboratory, which is to promote U.S. innovation and competitiveness by anticipating and meeting the measurement science, standards and technology needs of the U.S. building and fire safety industries in ways that enhance economic security and improve the quality of life. All proposals submitted must be in accordance with the program objectives found in the corresponding Federal Funding Opportunity for this announcement.

DATES: Applications will be considered on a continuing basis. Applications received after June 1, 2009 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. All applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2010 solicitation for the NIST Measurement Science and Engineering Research Grants Programs in order to be processed under this solicitation.

ADDRESSES: Paper applications must be submitted to: Karen Perry, Building and Fire Research Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8602, Gaithersburg, MD 20899–8602. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov*.

FOR FURTHER INFORMATION CONTACT: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov*. A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Karen Perry, Building and Fire Research Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8602, Gaithersburg, MD 20899–8602, Tel.: (301) 975–5910, *karen.perry@nist.gov*, Fax: (301) 975–4032, and Web site *http://www.bfrl.nist.gov*. Grants administration questions concerning this program should be addressed to: Christopher Hunton, NIST Grants and Agreements Management Division, (301) 975–5718; *christopher.hunton@nist.gov*. For assistance with using *http://www.grants.gov*, contact *support@grants.gov*.

Funding Availability: In fiscal year 2008, the *Building Research Grants and Cooperative Agreements Program* funded 7 new awards, totaling $601,467. No funds have been set aside specifically for the Building Research Grants and Cooperative Agreements Program. The availability of funds depends upon actual authorization of funds and other costs expected to be incurred by the individual divisions. The amount available each year fluctuates considerably based on programmatic needs. Individual awards are expected to range between $5,000 and $500,000.

For the *Building Research Grants and Cooperative Agreements Program,* proposals will be considered for research projects from one to three years. When a proposal for a multi-year award is approved, funding will generally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional funding in connection with that award. Continuation of an award to increase funding or extend the period of performance is at the total discretion of NIST. Funding for each subsequent year of a multi-year proposal will be contingent upon satisfactory progress, continued relevance to the mission of the *Building Research Grants and Cooperative Agreements Program,* and the availability of funds. Multi-year awards must have scopes of work that can be easily separated into annual increments of meaningful work that represent solid accomplishments if prospective funding is not made available to the applicant (*i.e.*, the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves).

Statutory Authority: As authorized by 15 U.S.C. 272(b) and (c), the NIST Building and Fire Research Laboratory conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *Building Research Grants and Cooperative Agreements Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: For the *Building Research Grants and Cooperative Agreements Program* proposals will be reviewed in a two-step process. If a preliminary review determines that the proposal is incomplete or non-responsive to the scope of the stated objectives, the proposal will not be reviewed for technical merit. One copy of each such proposal will be retained for recordkeeping purposes for three years and all remaining copies will be destroyed. All applications that are complete and responsive to the solicitation will be reviewed for technical merit.

First, at least three independent, objective individuals knowledgeable

about the particular scientific area addressed by the proposal will conduct a technical review. Proposals are received and will be reviewed on a rolling basis based on the evaluation criteria listed in the Evaluation Criteria section below. If non-Federal reviewers are used, reviewers may discuss the proposals with each other, but scores will be determined on an individual basis, not as a consensus. Second, the Division Chief or Laboratory Director or Deputy Director will take into consideration the results of the reviewers' evaluation, the availability of funds, and relevance to the objectives described in the Program Description section of the FFO.

The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The award decision of the Grants Officer is final. Applicants should allow up to 90 days processing time.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for recordkeeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: The Divisions of the Building and Fire Research Laboratory will score proposals based on the following criteria and weights:

1. Technical quality of the research. Reviewers will assess the rationality, innovation and imagination of the proposal and the fit to NIST's in-house building research programs. (0–35 points)

2. Potential impact of the results. Reviewers will assess the potential impact and the technical application of the results to NIST's in-house programs and the building industry. (0–25 points)

3. Staff and institution capability to do the work. Reviewers will evaluate the quality of the facilities and experience of the staff to assess the likelihood of achieving the objective of the proposal. (0–20 points)

4. Match of budget to proposed work. Reviewers will assess the budget against the proposed work to ascertain the reasonableness of the request. (0–20 points).

Cost Share Requirements: The *Building Research Grants and Cooperative Agreements Program* does not require any matching funds.

Fire Research Grants Program:

Program Description: The *Fire Research Grants Program* will provide funding for innovative ideas in the fire research area generated by the proposal writer, who chooses the topic and approach. Specific information regarding program objectives can be found in the corresponding Federal Funding Opportunity for this announcement. Financial support may be provided for conferences, workshops, or other technical meetings that are relevant to the objectives of the Fire Research Grants Program.

DATES: Applications will be considered on a continuing basis. Applications received after June 1, 2009 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. All applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2010 solicitation for the NIST Measurement Science and Engineering Research Grants Programs in order to be processed under this solicitation.

ADDRESSES: Paper applications must be submitted to: Ms. Wanda Duffin-Ricks, Building and Fire Research Laboratory (BFRL), National Institute of Standards and Technology, 100 Bureau Drive, Stop 8660, Gaithersburg, Maryland 20899–8660. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov*.

FOR FURTHER INFORMATION CONTACT: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov*. A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Ms. Wanda Duffin-Ricks, Building and Fire Research Laboratory (BFRL), National Institute of Standards and Technology, 100 Bureau Drive, Stop 8660, Gaithersburg, Maryland 20899–8660, Tel: (301) 975–6863, e-mail: *wanda.duffin@nist.gov*, Web site: *http://www.bfrl.nist.gov*. Grants administration questions concerning this program should be addressed to: Christopher Hunton, NIST Grants and Agreements Management Division, (301) 975–5718; *christopher.hunton@nist.gov*. For assistance with using *http://www.grants.gov*, contact *support@grants.gov*.

Funding Availability: For the *Fire Research Grants Program,* the annual budget is approximately $1.0 to $1.5 million. Because of commitments for the support of multi-year projects and because proposals may have been deferred from the previous year's competition, only a portion of the budget is available to fund applications received in response to this notice. Most grants and cooperative agreements are in the $25,000 to $125,000 per year range, with a maximum requested duration of three years. In fiscal year 2008, the *Fire Research Grants Program* funded 7 new awards, totaling $693,598.

For the *Fire Research Grants Program,* proposals will be considered for research projects from one to three years. When a proposal for a multi-year project is approved, funding will normally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional future funding in connection with that award. Funding for each subsequent year of a multi-year proposal will be contingent on satisfactory progress, continuing relevance to the mission of the *Fire Research Grants Program,* and the availability of funds.

Statutory Authority: As authorized by 15 U.S.C. 278f, the NIST Building and Fire Research Laboratory conducts directly and through grants and cooperative agreements, a basic and applied fire research program.

Eligibility: The *Fire Research Grants Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: Prospective proposers are encouraged to contact the group leaders listed in the FFO announcement to determine the responsiveness of the proposal and compliance with program objectives prior to preparation of a detailed proposal; however, written pre-proposals and white papers are not solicited and will not be reviewed for other than informational purposes. Responsive proposals will be assigned to the most appropriate group and reviewed as received on a rolling basis. If it is determined that the proposal is incomplete or non-responsive to the scope of the stated objectives, the proposal will not be reviewed for technical merit. One copy of any such proposal will be retained for recordkeeping purpose for three years and all remaining copies will be destroyed. Proposals are evaluated for technical merit based on the evaluation criteria described below by at least three

reviewers chosen from NIST professionals, technical experts from other interested government agencies, and experts from the fire research community at large. When non-Federal reviewers are used, reviewers may discuss the proposals with each other, but scores will be determined on an individual basis, not as a consensus. The group leaders will make funding recommendations to the Division Chief based on the technical evaluation score and the relationship of the work proposed to the objectives of the program. Proposals submitted to another agency will be considered for possible joint-funding if approved by the other agency.

In making application selections, the Division Chief will take into consideration the results of the evaluations, the scores of the reviewers, the group leader's recommendation, the availability of funds, and relevance to the objectives or research areas of the *Fire Research Grants Program,* as described in the Program Description section above. The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The award decision of the Grants Officer is final. Applicants should allow up to 90 days processing time.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for record keeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: For the *Fire Research Grants Program,* the technical evaluation criteria are as follows:

1. Technical quality of the research. Reviewers will assess the rationality, innovation and imagination of the proposal. (0–35 points).

2. Potential impact of the results. Reviewers will assess the potential impact and the technical application of the results to the fire safety community. (0–25 points).

3. Staff and institution capability to do the work. Reviewers will evaluate the quality of the facilities and experience of the staff to assess the likelihood of achieving the objective of the proposal. (0–20 points).

4. Match of budget to proposed work. Reviewers will assess the budget against the proposed work to ascertain the reasonableness of the request. (0–20 points).

Cost Share Requirements: The *Fire Research Grants Program* does not require any matching funds.

Information Technology Laboratory (ITL) Grants Program:

Program Description: The *Information Technology Laboratory Grants Program* will provide grants and cooperative agreements in the broad areas of mathematical and computational sciences, advanced network technologies, information access, and software testing. Specific objectives of interest in these areas of research include: quantum information theory, computational materials science, network science, mathematical foundations of measurement science for information systems, mathematical knowledge management, visual data analysis, verification and validation of computer models, computational biology, semantic data integration, software testing, biometrics, human language technology, interactive systems, multimedia technology, human factors/security/core requirements/testing of voting systems, information visualization, systems biology, grid computing, service oriented architecture and complex systems, security for the IPv6 transition from and coexistence with IPv4, and device mobility among heterogeneous networks. For details on these various activities, please see the Information Technology Laboratory Web site at *http://www.itl.nist.gov*. Additionally, the *ITL Grant Program* will provide grants and cooperative agreements in support of conferences, workshops, and other technical research groups that focus on trends and future focus areas of information technology. Specific information regarding program objectives can be found in the corresponding Federal Funding Opportunity for this announcement. Financial support may be provided for conferences, workshops, or other technical research meetings that are relevant to the mission of the Information Technology Laboratory.

DATES: Applications will be considered on a continuing basis. Applications received after June 1, 2009 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. All applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2010 solicitation for the NIST Measurement, Science and Engineering Research Grants Programs in order to be processed under this solicitation.

ADDRESSES: Paper applications must be submitted to: Gerlinde Harr, Information Technology Laboratory (ITL), National Institute of Standards and Technology, 100 Bureau Drive, Stop 8900, Gaithersburg, Maryland 20899–8900. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov*.

FOR FURTHER INFORMATION CONTACT: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov*. A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Gerilinde Harr, Information Technology Laboratory (ITL), National Institute of Standards and Technology, 100 Bureau Drive, Stop 8900, Gaithersburg, MD 20899–8900, Tel.: (301) 975–2901, *gharr@nist.gov*, Fax: (301) 975–2378, Web site: *http://www.itl.nist.gov*. It is strongly suggested to first confirm the program objectives with the Program Manager prior to preparing a detailed proposal. Grants administration questions concerning this program should be addressed to: Christopher Hunton, NIST Grants and Agreements Management Division, (301) 975–5718; *christopher.hunton@nist.gov*. For assistance with using *http://www.grants.gov*, contact *support@grants.gov*.

Funding Availability: In fiscal year 2008, the *Information Technology Laboratory* funded 2 new awards, totaling $220,549. No funds have been set aside specifically for the *Information Technology Laboratory Grants Program*. The availability of funds depends upon actual authorization of funds and other costs expected to be incurred by the individual divisions. The amount available each year fluctuates considerably based on programmatic needs. Individual awards are expected to range between $10,000 and $500,000.

For the *Information Technology Laboratory Grants Program*, proposals will be considered for research projects from one to five years. When a proposal for a multi-year award is approved, funding will generally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional funding in connection with that award. Continuation of an award to increase funding or extend the period of performance is at the total discretion of NIST. Funding for each subsequent year

of a multi-year proposal will be contingent upon satisfactory progress, continued relevance to the mission of the *Information Technology Laboratory Grants Program*, and the availability of funds. The multi-year awards must have scopes of work that can be easily separated into annual increments of meaningful work that represent solid accomplishments if prospective funding is not made available to the applicant, (i.e., the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves).

Statutory Authority: As authorized under 15 U.S.C. 272(b) and (c), the ITL conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *ITL Grants Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: For the *Information Technology Laboratory (ITL) Grants Program*, proposals will be reviewed in a three-step process. First, the ITL Grants Coordinator, the Deputy Director of ITL, or the corresponding Division Chief will determine the compatibility of the applicant's proposal with ITL Program Areas and the relevance to the objectives of the *ITL Grants Program*, described in the Program Description section. If a proposal is determined to be incomplete or non-responsive, or if it is determined that all available funds have been exhausted, the proposal will not be reviewed for technical merit. Proposers may contact ITL at 301–975–2901 to find out if funds have been exhausted for the fiscal year. ITL will also post a notice on its Web site, *http://www.itl.nist.gov*, when funds are exhausted for the fiscal year. ITL will notify proposers in writing if their proposals are not reviewed for technical merit. One copy of any such proposal will be retained for record keeping purposes for three years and all remaining copies will be destroyed.

Second, at least three independent, objective individuals knowledgeable about the particular measurement science area described in the section above that the proposal addresses will conduct a technical review of each proposal, based on the evaluation criteria. Reviews will be conducted on a quarterly basis, and all responsive, complete proposals received and reviewed since the last quarter will be ranked based on the reviewers' scores. If non-Federal reviewers are used, the reviewers may discuss the proposals with each other, but scores will be determined on an individual basis, not as a consensus.

Third, the Division Chief, in accord with the Director of ITL, will make application selections, taking into consideration the results of the reviewers' evaluations, the availability of funds, and the relevance to the objectives or research areas described in the Program Description section above.

The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice and the FFO, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decisions of the Grants Officer are final.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for record keeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: For the *ITL Grants Program*, the evaluation criteria the technical reviewers will use in evaluating the proposals are as follows:

1. Rationality. Reviewers will consider the coherence of the applicant's approach and the extent to which the proposal effectively addresses scientific and technical issues.

2. Technical Merit of Contribution. Reviewers will consider the potential technical effectiveness of the proposal and the value it would contribute to the field of information technology research.

3. Qualifications of Technical Personnel. Reviewers will consider the professional accomplishments, skills, and training of the proposed personnel to perform the work in the project.

4. Resources Availability. Reviewers will consider the extent to which the proposer has access to the necessary facilities and overall support to accomplish project objectives.

Each of these factors will be given equal weight in the evaluation process.

Cost Share Requirements: The *ITL Grants Program* does not require any matching funds.

NIST Center for Neutron Research (NCNR) Grants Program:

Program Description: The *NIST Center for Neutron Research (NCNR) Grants Program* will provide grants and cooperative agreements for research involving neutron scattering, for the development of innovative technologies that advance the state-of-the-art in neutron research, and for the support of conferences and/or workshops that advance these objectives. Specific information regarding program objectives can be found in the corresponding Federal Funding Opportunity to this announcement. Financial support may be provided for conferences, workshops, or other technical research meetings that are relevant to the mission of the NCNR.

All proposals submitted to the NCNR Grants Program must be in accordance with the program objectives. These are to create novel approaches to advance high resolution cold and thermal neutron scattering research; to develop new applications of neutron scattering to physics, chemistry, and macromolecular and materials research; and to support the development of innovative technologies relevant to neutron research, including, for example, high resolution two-dimensional neutron detectors, neutron monochromators, and neutron focusing and polarizing devices. Awards to universities to help to promote research by university students at the NIST/NSF Center for High Resolution Scattering are also funded under this program.

DATES: Applications will be considered on a continuing basis. Applications received after June 1, 2009 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. All applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2010 solicitation for the NIST Measurement, Science and Engineering Research Grants Programs in order to be processed under this solicitation.

ADDRESSES: Paper applications must be submitted to: Ms. Tanya Burke, NIST Center for Neutron Research, National Institute of Standards and Technology, 100 Bureau Drive, Stop 6100, Gaithersburg, Maryland 20899–6100. Electronic applications and associated proposal information should be uploaded to *http://www.grants.gov*.

FOR FURTHER INFORMATION CONTACT: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov*. A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Dr.

Dan Neumann, NIST Center for Neutron Research, National Institute of Standards and Technology, 100 Bureau Drive, Stop 6102, Gaithersburg, Maryland 20899–6102, Tel: (301) 975–5252, E-mail: *dan.neumann@nist.gov*. Grants administration questions concerning this program should be addressed to: Christopher Hunton, NIST Grants and Agreements Management Division, (301) 975–5718; *christopher.hunton@nist.gov*. For assistance with using www.grants.gov, contact *support@grants.gov*.

Funding Availability: In fiscal year 2008, the *NCNR Grants Program* made three awards in the amount of $296,840. In fiscal year 2009, the Program anticipates funding of approximately $300,000, including new awards and continuing projects. Individual awards are expected to range from approximately $25,000 to $100,000 per year.

The *NCNR Grants Program* will consider proposals lasting from one to five years. When a proposal for a multi-year award is approved, funding will generally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional funding in connection with that award. Continuation of an award to increase funding or extend the period of performance is at the total discretion of NIST. Funding for each subsequent year of a multi-year proposal will be contingent upon satisfactory progress, continued relevance to the mission of the *NCNR Grants Program*, and the availability of funds. The multi-year awards must have scopes of work that can be easily separated into annual increments of meaningful work that represent solid accomplishments if prospective funding is not made available to the applicant, *i.e.*, the scopes of work for each funding period must produce identifiable and meaningful results in and of themselves.

Statutory Authority: As authorized under 15 U.S.C. 272(b) and (c), the NCNR conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *NCNR Grants Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: Proposals submitted to the *NCNR Grants Program* will be reviewed in a two-step process. If a preliminary review determines that the proposal is incomplete or non-responsive to the scope of the stated objectives, the proposal will not be reviewed for technical merit. One copy of any such proposal will be retained for record keeping purposes for three years and all remaining copies will be destroyed. All applications that are complete and responsive to the solicitation will be reviewed for technical merit.

First, at least three independent, objective individuals knowledgeable about the particular scientific area described in the Program Description section above that the proposal addresses will conduct a technical review of proposals, as they are received on a rolling basis, based on the evaluation criteria. If non-Federal reviewers are used, the reviewers may discuss the proposals with each other, but scores will be determined on an individual basis, not as a consensus.

Second, the Center Director will make application selections. In making application selections, the Center Director will take into consideration the results of the reviewers' evaluations, the availability of funds, and the relevance to the objectives or research areas of the *NCNR Grants Program*, described in the Program Description section. The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice and the FFO, compliance with applicable legal and regulatory requirements, whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decision of the Grants Officer is final.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for record keeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: The *NCNR Grants Program* evaluation criteria that the technical reviewers will use in evaluating the proposals are as follows:

1. Rationality. Reviewers will assess the innovation, rationality, and coherence of the applicant's approach and the extent to which the proposal effectively addresses important scientific and technical issues using neutron methods and/or the development of innovative devices for neutron research. (0 to 35 points)

2. Qualifications of Technical Personnel. Reviewers will consider the professional accomplishments, skills, and training of the proposed personnel to perform the work in the project. (0 to 20 points)

3. Resources. Reviewers will consider the extent to which the proposer has access to the necessary resources, facilities, and overall support to accomplish project objectives, and will assess the budget against the proposed work to ascertain the reasonableness of the request. (0 to 20 points)

4. Technical Merit of Contribution. Reviewers will consider the potential technical effectiveness of the proposal and the value it would contribute to neutron research. (0 to 25 points)

Cost Share Requirements: The *NCNR Grants Program* does not require any matching funds.

Center for Nanoscale Science and Technology (CNST) Grants and Cooperative Agreements Program:

Program Description: The Center for Nanoscale Science and Technology (CNST) Grants and Cooperative Agreements Program will offer financial assistance in the field of nanotechnology specifically aimed at developing essential measurement methods, instrumentation, and standards to support nanotechnology development, from discovery to production, conducting collaborative research with NIST scientists including research at the CNST Nanofab, a national facility for nanofabrication and measurement, and assisting visiting researchers at the CNST. Financial support may be provided for conferences, workshops, or other technical research meetings that are relevant to the mission of the CNST.

The primary program objectives of the financial assistance program in CNST are to develop new measurement methods, instrumentation, and standards for nanotechnology; and explore new areas of nanoscale science and technology in a variety of areas. Areas of interest include nanofabrication, nanomagnetics, theory and modeling, post complementary metal oxide semiconductor electronics, nano electro mechanical systems, nanomotion and nanomanipulation, merging length scales, 2–D and 3–D structural and chemical imaging, electrical and magnetic dynamical response of nanostructures, electrical characterization of nanostructures, nanoscale properties of soft matter. Additional objectives of this program are to assist and train CNST collaborators and nanofabrication facility users in their research; and to conduct other outreach and educational

activities that advance the development of nanotechnology by U.S. university and industrial scientists. These objectives will entail collaborative research among the selected financial assistance recipients and CNST. Specific information regarding program objectives can be found in the corresponding Federal Funding Opportunity to this announcement.

DATES: Applications will be considered on a continuing basis. Applications received after June 1, 2009 may be processed and considered for funding under this solicitation in the current fiscal year or in the next fiscal year, subject to the availability of funds. All applications, paper and electronic, must be received prior to the publication date in the **Federal Register** of the FY 2010 solicitation for the NIST Measurement, Science and Engineering Research Grants Programs in order to be processed under this solicitation.

ADDRESSES: Paper applications must be submitted to: Donna Lauren, Center for Nanoscale Science and Technology, National Institute of Standards and Technology, 100 Bureau Drive, Stop 6200, Gaithersburg, Maryland 20899–6200. Electronic applications and associated proposal information should be uploaded to *grants.gov*.

FOR FURTHER INFORMATION CONTACT: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov*. A paper copy of the FFO may be obtained by calling (301) 975–6328. Program questions should be addressed to Donna Lauren, Center for Nanoscale Science and Technology, National Institute of Standards and Technology, 100 Bureau Drive, Stop 6200, Gaithersburg, Maryland 20899–6200. Tel (301) 975–3729, E-Mail: *donna.lauren@nist.gov*. Grants administration questions concerning this program should be addressed to: Christopher Hunton, NIST Grants and Agreements Management Division, (301) 975–5718; *christopher.hunton@nist.gov*. For assistance with using Grants.gov contact *support@grants.gov*.

Funding Availability: In fiscal year 2008, the *CNST Grants and Cooperative Agreements Program* made three awards in the amount of $252,802. In fiscal year 2009, the CNST Grants and Cooperative Agreements Program anticipates funding of approximately $1,800,000, including new awards and continuing projects. Individual awards are expected to range from approximately $40,000 to $150,000 per year.

For the *Center for Nanoscale and Science and Technology*, proposals will be considered for research projects from one to five years. When a proposal for a multi-year award is approved, funding will generally be provided for only the first year of the program. If an application is selected for funding, NIST has no obligation to provide any additional funding in connection with that award. Continuation of an award to increase funding or extend the period of performance is at the total discretion of NIST. Funding for each subsequent year of a multi-year proposal will be contingent upon satisfactory progress, continued relevance to the mission of the *Center for Nanoscale Science and Technology Grants and Cooperative Agreements Program*, and the availability of funds.

Statutory Authority: As authorized under 15 U.S.C. 272(b) and (c), the NCNR conducts a basic and applied research program directly and through grants and cooperative agreements to eligible recipients.

Eligibility: The *Center for Nanoscale Science and Technology Grants and Cooperative Agreements Program* is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Review and Selection Process: For the *Center for Nanoscale Science and Technology (CNST) Grants and Cooperative Agreements Program*, responsive proposals will be assigned, as received on a rolling basis, to the most appropriate area for review. Proposals will be reviewed on a rolling basis in a two-step process. First, the CNST Deputy Director will determine the applicability of the proposal with regard to CNST programs and the relevance of the proposal's objectives to current CNST research. If it is determined that the proposal is incomplete or non-responsive to the scope of the stated objectives, the proposal will not be reviewed for technical merit. One copy of any such proposal will be retained for record keeping purposes for three years and all remaining copies will be destroyed. CNST will notify proposers in writing if their proposals are not reviewed for technical merit. Second, if the proposal passes the first step, at least three independent, objective individuals knowledgeable about the particular scientific area addressed by the proposal will conduct a technical review based on the evaluation criteria. If non-Federal reviewers are used, the reviewers may discuss the proposal with each other, but scores will be determined on an individual basis, not as a consensus.

The CNST Director will make application selections from the grants and cooperative agreement proposals submitted. In making the application selections, the Laboratory Director will take into consideration the results of the reviewers' evaluations, the availability of funds, and relevance to the objectives or research areas of the *CNST Grants and Cooperative Agreements Program*. These objectives are described above in the Program Description section.

The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice and the FFO, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decision of the Grants Officer is final.

Unsuccessful applicants will be notified in writing. The Program will retain one copy of each unsuccessful application for three years for record keeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: For the *Center for Nanoscale Science and Technology (CNST) Grants and Cooperative Agreements Program*, the technical reviewers will use the following evaluation criteria in evaluating the proposals:

1. Rationality. Reviewers will consider the coherence of the applicant's approach and the extent to which the proposal effectively addresses scientific and technical issues.

2. Qualifications of Technical Personnel. Reviewers will consider the professional accomplishments, skills, and training of the proposed personnel to perform the work in this project.

3. Resources Availability. Reviewers will consider the extent to which the proposer has access to the necessary facilities and overall support to accomplish project objectives.

4. Technical Merit of Contribution. Reviewers will consider the potential technical effectiveness of the proposal and the value it would contribute to the field of nanotechnology.

Each of these factors will be given equal weight in the evaluation process.

Cost Share Requirements: The *Center for Nanoscale Science and Technology (CNST) Grants and Cooperative*

Agreements Program does not require any matching funds.

The following information applies to all programs announced in this notice:

Initial Screening of all Applications: All applications received in response to this announcement will be reviewed to determine whether or not they are complete and responsive to the scope of the stated objectives for each program. Incomplete or non-responsive applications will not be reviewed for technical merit. The Program will retain one copy of each non-responsive application for three years for record keeping purposes. The remaining copies will be destroyed.

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements: The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in 73 FR 7696 (February 11, 2008) apply to this notice. On the form SF–424, the applicant's 9-digit Dun and Bradstreet Data Universal Numbering System (DUNS) number must be entered in item 8.c. Organizational DUNS. The DUNS number provided MUST be the DUNS number for the entity within the applying institution that will be responsible for drawing down funds from the Automated Standard Application for Payment System (ASAP). Institutions that provide incorrect DUNS numbers may experience significant delays in receiving funds.

Collaborations with NIST Employees: All applications should include a description of any work proposed to be performed by an entity other than the applicant, and the cost of such work should ordinarily be included in the budget.

If an applicant proposes collaboration with NIST, the statement of work should include a statement of this intention, a description of the collaboration, and prominently identify the NIST employee(s) involved, if known. Any collaboration by a NIST employee must be approved by appropriate NIST management and is at the sole discretion of NIST. Prior to beginning the merit review process, NIST will verify the approval of the proposed collaboration. Any unapproved collaboration will be stricken from the proposal prior to the merit review.

Use of NIST Intellectual Property: If the applicant anticipates using any NIST-owned intellectual property to carry out the work proposed, the applicant should identify such intellectual property. This information will be used to ensure that no NIST employee involved in the development of the intellectual property will participate in the review process for that competition. In addition, if the applicant intends to use NIST-owned intellectual property, the applicant must comply with all statutes and regulations governing the licensing of Federal government patents and inventions, described at 35 U.S.C. 200–212, 37 CFR part 401, 15 CFR 14.36, and in section B.21 of the Department of Commerce Pre-Award Notification Requirements 73 FR 7696 (Feb. 11, 2008). Questions about these requirements may be directed to the Chief Counsel for NIST, 301–975–2803.

Any use of NIST-owned intellectual property by a proposer is at the sole discretion of NIST and will be negotiated on a case-by-case basis if a project is deemed meritorious. The applicant should indicate within the statement of work whether it already has a license to use such intellectual property or whether it intends to seek one.

If any inventions made in whole or in part by a NIST employee arise in the course of an award made pursuant to this notice, the United States government may retain its ownership rights in any such invention. Licensing or other disposition of NIST's rights in such inventions will be determined solely by NIST, and include the possibility of NIST putting the intellectual property into the public domain.

Collaborations Making Use of Federal Facilities: All applications should include a description of any work proposed to be performed using Federal Facilities. If an applicant proposes use of NIST facilities, the statement of work should include a statement of this intention and a description of the facilities. Any use of NIST facilities must be approved by appropriate NIST management and is at the sole discretion of NIST. Prior to beginning the merit review process, NIST will verify the availability of the facilities and approval of the proposed usage. Any unapproved facility use will be stricken from the proposal prior to the merit review. Examples of some facilities that may be available for collaborations are listed on the NIST Technology Services Web site, *http://ts.nist.gov/*.

Paperwork Reduction Act: The standard forms in the application kit involve a collection of information subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, SF–LLL, and CD–346 have been approved by OMB under the respective Control Numbers 0348–0043, 0348–0044, 0348–0040, 0348–0046, and 0605–0001.

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

Research Projects Involving Human Subjects, Human Tissue, Data or Recordings Involving Human Subjects: Any proposal that includes research involving human subjects, human tissue, data or recordings involving human subjects must meet the requirements of the Common Rule for the Protection of Human Subjects, codified for the Department of Commerce at 15 CFR part 27. In addition, any proposal that includes research on these topics must be in compliance with any statutory requirements imposed upon the Department of Health and Human Services (DHHS) and other Federal agencies regarding these topics, all regulatory policies and guidance adopted by DHHS, the Food and Drug Administration, and other Federal agencies on these topics, and all Presidential statements of policy on these topics.

NIST will accept the submission of human subjects protocols that have been approved by Institutional Review Boards (IRBs) possessing a current registration filed with DHHS and to be performed by institutions possessing a current, valid Federal-wide Assurance (FWA) from DHHS. NIST will not issue a single project assurance (SPA) for any IRB reviewing any human subjects protocol proposed to NIST.

On August 9, 2001, President Bush announced his decision to allow Federal funds to be used for research on existing human embryonic stem cell lines as long as prior to his announcement (1) the derivation process (which commences with the removal of the inner cell mass from the blastocyst) had already been initiated and (2) the embryo from which the stem cell line was derived no longer had the possibility of development as a human being. NIST will follow guidance issued by the National Institutes of Health at *http://ohrp.osophs.dhhs.gov/humansubjects/guidance/stemcell.pdf* for funding such research. NIST will follow any further policy or guidance issued by the current Administration on this topic.

Research Projects Involving Vertebrate Animals: Any proposal that includes research involving vertebrate animals

must be in compliance with the National Research Council's ''Guide for the Care and Use of Laboratory Animals'' which can be obtained from National Academy Press, 2101 Constitution Avenue, NW., Washington, DC 20055. In addition, such proposals must meet the requirements of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), 9 CFR Parts 1, 2, and 3, and if appropriate, 21 CFR part 58. These regulations do not apply to proposed research using pre-existing images of animals or to research plans that do not include live animals that are being cared for, euthanized, or used by the project participants to accomplish research goals, teaching, or testing. These regulations also do not apply to obtaining animal materials from commercial processors of animal products or to animal cell lines or tissues from tissue banks.

Limitation of Liability: Funding for the programs listed in this notice is contingent upon the availability of Fiscal Year 2009 appropriations. NIST issues this notice subject to the appropriations made available under the current continuing resolution, H.R. 2638, ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009'' (Pub. L. 110–329). NIST anticipates making award for the programs listed in this notice provided that funding for the programs are continued beyond March 6, 2009, the expiration of the current continuing resolution. In no event will the Department of Commerce be responsible for proposal preparation costs if the NIST programs fail to receive funding or are cancelled because of Department of Commerce or NIST priorities. Publication of this announcement does not oblige the agency to award any specific project or to obligate any available funds.

Additional Consideration of Applications: NIST programs are often cross-cutting and multi-disciplinary. If a NIST program official believes an application that is not selected for funding may be of interest to another NIST program(s), the official may forward the application to any other NIST program(s) that the program official believes may have an interest in the project, for potential consideration under the other NIST program(s) procedures. If, upon initial screening, the other NIST program(s) finds the application may be of programmatic interest, the application will proceed through the review and selection procedures described in this Notice for the program(s). If not, the application will be returned to the original program for final processing. Any applicant that does not wish for its application to be considered by other NIST programs should indicate on its application that it would like consideration of the project to be limited to the program to which it originally submitted the application. Applicants will be notified if their applications have been forwarded to another NIST program(s) for potential consideration.

Executive Order 12866: This funding notice was determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism): It has been determined that this notice does not contain policies with federalism implications as that term is defined in Executive Order 13132.

Executive Order 12372: Applications under this program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Administrative Procedure Act/ Regulatory Flexibility Act: Notice and comment are not required under the Administrative Procedure Act (5 U.S.C. 553) or any other law, for rules relating to public property, loans, grants, benefits or contracts (5 U.S.C.553 (a)). Because notice and comment are not required under 5 U.S.C. 553, or any other law, for rules relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)), a Regulatory Flexibility Analysis is not required and has not been prepared for this notice, 5 U.S.C. 601 *et. seq.*

Dated: February 17, 2009.

Richard Kayser,

Chief Scientist, NIST.

[FR Doc. E9–3665 Filed 2–19–09; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XN32

Atlantic Coastal Fisheries Cooperative Management Act Provisions; Application for Exempted Fishing Permits

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

ACTION: Notification of a request to conduct experimental fishing; request for comments.

SUMMARY: This exempted fishing permit (EFP) application is a continuation of a collaborative project involving the University of New Hampshire (UNH), Durham, New Hampshire (NH); the Lobster Conservancy, Friendship, Maine; the New England Aquarium, Boston, Massachusetts; and the Atlantic Offshore Lobstermen=s Association, Candia, NH. The EFP proposes to continue monitoring legal sized egg bearing female lobsters (berried lobsters) carrying early–stage eggs. This project will allow participating Federal lobster permit holders, fishing in designated study areas, to preserve a maximum of ten eggs from each berried lobster captured in commercial lobster gear, to allow researchers to determine what percentage of eggs are fertilized, and estimate the egg developmental stage and time to maturity. The berried lobsters will then be released unharmed. This project would not involve the authorization of any additional trap gear, and all trap gear would conform to existing Federal lobster regulations. There would be no anticipated adverse effects on protected resources or habitat as a result of this research. The EFP would waive the prohibition on removal of eggs specified at 50 CFR 697.7(c)(1)(iv) for a maximum of three participating vessels.

The Director, State, Federal and Constituent Programs Office, Northeast Region, NMFS (Office Director) has made a preliminary determination that the subject EFP application contains all the required information and warrants further consideration. The Office Director has also made a preliminary determination that the activities authorized under the EFPs would be consistent with the goals and objectives of Federal management of the American lobster resource. However, further review and consultation may be necessary before a final determination is made to issue EFPs. NMFS announces that the Office Director proposes to issue EFPs and, therefore, invites comments on the issuance of EFPs for this research.

DATES: Comments on this lobster EFP notification for berried lobster monitoring and data collection must be received on or before March 9, 2009.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930–2298. Mark the outside of the envelope ''Comments – Lobster EFP Proposal''. Comments also may be sent via facsimile (fax) to 978–281–9117. Comments on the Lobster EFP Proposal may be submitted by e–mail. The mailbox address for providing e–mail comments is

Lobster.April2009@noaa.gov. Include in the subject line of the e–mail comment the following document identifier: ''Comments – Lobster EFP Proposal''.

FOR FURTHER INFORMATION CONTACT: Patience Whitten, Fishery Management Specialist, (978) 281–9349, fax (978) 281–9117.

SUPPLEMENTARY INFORMATION:

Background

The regulations that govern exempted fishing, at 50 CFR 600.745(b) and 697.22 allow the Regional Administrator to authorize for limited testing, public display, data collection, exploration, health and safety, environmental clean–up, and/or hazardous removal purposes, and the targeting or incidental harvest of managed species that would otherwise be prohibited. An EFP to authorize such activity may be issued, provided there is adequate opportunity for the public to comment on the EFP application, the conservation goals and objectives of Federal management of the American lobster resource are not compromised, and issuance of the EFP is beneficial to the management of the species.

The American lobster fishery is one of the most valuable fisheries in the northeastern United States. In 2007, approximately 75 million pounds (34,107 metric tons) of American lobster were landed with an ex–vessel value of approximately 350,000 million dollars. Operating under the Atlantic States Marine Fisheries Commission's interstate management process, American lobster are managed in state waters under Amendment 3 to the American Lobster Interstate Fishery Management Plan (Amendment 3). In Federal waters of the Exclusive Economic Zone (EEZ), lobster is managed under Federal regulations at 50 CFR part 697. Amendment 3, and compatible Federal regulations, established a framework for area management, which includes industry participation in the development of a management program which suits the needs of each lobster management area while meeting targets established in the Interstate Fisheries Management Program. The industry, through area management teams, with the support of state agencies, have played a vital role in advancing the area management program.

American lobster experience very high fishing mortality rates throughout their range, from Canada to Cape Hatteras, North Carolina. Although harvest and population abundance are near record levels due to high recent recruitment and favorable environmental conditions, there is significant risk of a sharp drop in abundance, and such a decline would have serious implications. To facilitate the development of effective management tools, extensive monitoring and detailed data on the biology and composition of lobsters throughout the range of the resource are necessary. To facilitate effective management, this proposed EFP would monitor egg growth and development of berried lobsters in two study areas using traditional lobster trap gear.

Proposed EFP

The EFP proposes to continue the collection of statistical and scientific information as part of a project, originally announced in the **Federal Register** on October 21, 2004 (69 FR 19165), that is designed to monitor berried lobsters to collect data that will assist in the assessment of the lobster resource and in the development of management practices appropriate to the fishery. Previous data collected in 2007 and 2008 from tagged berried lobsters that were monitored for egg–development stages, indicated a percentage of berried females are carrying eggs that are not fertilized. This continuation of the research will focus on quantifying fertilization success, and monitor egg growth and development.

Each of the maximum of three commercial fishing vessels in possession of Federal lobster permits involved in this monitoring and data collection program would collect a maximum of ten eggs from each berried lobster harvested, up to a maximum project total of 100 berried lobsters per vessel, using traditional lobster trap gear. Removal of a maximum of ten eggs from each berried lobster should have no impact on the health or survival of the lobsters, since lobsters typically experience significantly greater rates of daily egg loss throughout their thirteen month incubation period, with cumulative egg loss as high as thirty six percent. Participating vessels would collect data from each of the two general study areas in the vicinity of the northern edge of Georges Bank and in the vicinity of Veatch and Hydrographer Canyons along the southern edge of Georges Bank. The participating vessels may retain on deck egg–bearing female lobsters, in addition to legal lobsters, for the purpose of collecting a maximum of ten eggs from each berried lobster to allow researchers to determine what percentage of eggs are fertilized, and to estimate the egg developmental stage, and time to maturity. All berried lobsters would be returned to the sea as quickly as possible after data collection. Pursuant to 50 CFR 600.745(b)(3)(v), the Regional Administrator may attach terms and conditions to the EFP consistent with the purpose of the exempted fishing.

This project would not involve the authorization of any additional lobster trap gear. All traps fished by the participating vessels would comply with all applicable lobster regulations specified at 50 CFR part 697. To allow for the removal of a maximum of ten eggs from each berried lobster, the EFP would waive the American lobster prohibition on removal of eggs specified at 50 CFR 697.7(c)(1)(iv). All sample collections would be conducted by a maximum of three federally permitted commercial fishing vessels, during the course of regular commercial fishing operations. There would not be observers or researchers onboard every participating vessel.

This project, including the lobster handling protocols, was initially developed in consultation with University of New Hampshire scientists. To the greatest extent practicable, these handling protocols are designed to avoid unnecessary adverse environmental impact on lobsters involved in this project, while achieving the data collection objectives of this project.

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

Dated: February 17, 2009.

Emily H. Menashes,

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

[FR Doc. E9–3643 Filed 2–19–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 0811251527–9165–02]

RIN 0648–ZB55

Availability of Grants Funds for Fiscal Year 2009; Amendment

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of funding availability; amendment.

SUMMARY: NOAA publishes this notice to amend the solicitation ''NOAA Bay Watershed Education and Training (B–WET) Program,'' which was originally announced in the **Federal Register** on Tuesday, December 16, 2008. Due to technical difficulties, potential applicants may have experienced problems when attempting to submit applications for the ''NOAA Bay

Watershed Education and Training (B–WET) Program,'' solicitation (73 FR 76341) through Grants.gov. This notice announces that the B–WET Program will accept applications from applicants who were unsuccessful in submitting their application through Grants.gov during the original solicitation period.

DATES: Applicants will be required to provide documentation of the problem and appropriate paper application materials to the B–WET National Coordinator by 5:00 PM ET, February 27, 2009.

ADDRESSES: B–WET National Coordinator, NOAA Office of Education, 1401 Constitution Avenue NW, Room 6863, Washington, DC 20230. Please note: Because hard copies of applications submitted via the US Postal Service can take up to 4 weeks to reach this office, applicants are advised to submit their applications via expedited shipping methods (e.g., Airborne Express, DHL, FedEx, UPS, etc.).

FOR FURTHER INFORMATION CONTACT: Questions about this notice may be directed to Bronwen Rice, B–WET National Coordinator, by phone at 202–482–6797 or e-mail at *bronwen.rice@noaa.gov*.

SUPPLEMENTARY INFORMATION: NOAA publishes this notice to inform the public of an amendment to the solicitation ''NOAA Bay Watershed Education and Training (B–WET) Program'' announced in the **Federal Register** on December 16, 2008 (73 FR 76341). Due to issues with the submission process and system-wide delays in using Grants.gov on the days prior to and including the deadline, some potential applicants for the NOAA B–WET program may have been unsuccessful in submitting their applications through the website. To ensure that all applicants have the opportunity to apply for the B–WET program, NOAA will accept paper applications to this announcement where it can be shown that the applicants attempted to submit via Grants.gov by the January 26 deadline originally published in the announcement, and who contacted a Federal Program Officer to communicate their problem. If these applicants would like to have their application considered for funding, they may submit a complete paper application package to the B–WET National Coordinator by 5:00 PM ET, February 27, 2009.

All information and requirements published in NOAA Bay Watershed Education and Training (B–WET) Program solicitation published in the **Federal Register** on December 16, 2008 apply to any applications submitted pursuant to this notice.

Limitation of Liability

In no event will NOAA or the Department of Commerce be responsible for proposal preparation costs if this program is cancelled because of other agency priorities. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds. Applicants are hereby given notice that funding for the Fiscal Year 2009 program is contingent upon the availability of Fiscal Year 2009 appropriations.

Universal Identifier

Applicants should be aware they are required to provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number during the application process. See the October 30, 2002, **Federal Register**, (67,FR 66177) for additional information. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1–866–705–5711 or via the Internet at *http://www.dunandbradstreet.com*.

National Environmental Policy Act (NEPA)

NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicant projects or proposals which are seeking NOAA federal funding opportunities. Detailed information on NOAA compliance with NEPA can be found at the following NOAA NEPA website: *http://www.nepa.noaa.gov/*, including our NOAA Administrative Order 216–6 for NEPA, *http://www.nepa.noaa.gov/NAO216_6_TOC.pdf*, and the Council on Environmental Quality implementation regulations, *http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm*. Consequently, as part of an applicant's package, and under their description of their program activities, applicants are required to provide detailed information on the activities to be conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species, aquaculture projects, and impacts to coral reef systems). In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in drafting of an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for not selecting an application. In some cases if additional information is required after an application is selected, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental compliance information sufficient to enable NOAA to make an assessment on any impacts that a project may have on the environment.

The Department of Commerce Pre-award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of October 1, 2001 (66 FR 49917), as amended by the **Federal Register** notice published on: October 30, 2002 (67 FR 66109); December 30, 2004 (69 FR 78389); and February 11, 2008 (73 FR 7696) are applicable to this solicitation.

Paperwork Reduction Act

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424, 424A, 424B, SF–LLL, and CD–346 has been approved by the Office of Management and Budget (OMB) under the respective control numbers 0348–0043, 0348–0044, 0348–0040, 0348–0046, and 0605–0001. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

Executive Order 12866

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

Executive Order 13132 (Federalism)

It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/ Regulatory Flexibility Act

Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or

any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Dated: February 12, 2009.

Mitchell J. Ross,

Director, NOAA Acquisition and Grants Office.

[FR Doc. E9–3605 Filed 2–19–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XN39

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Receipt of application for a scientific permit; request for comments.

SUMMARY: Notice is hereby given that NMFS has received a revised application for scientific research from the U.S. Fish and Wildlife Service USFWS- Red Bluff (RBFWO), in Red Bluff, CA, and USFWS-Sacramento (SFWO), in Sacramento, CA (1415). The permit would affect the federally endangered Sacramento River winter-run Chinook salmon and threatened Central Valley spring-run Chinook salmon Evolutionarily Significant Units (ESUs), the federally threatened Central Valley steelhead Distinct Population Segment (DPS), and the federally threatened southern Distinct Population of North American green sturgeon (southern DPS of green sturgeon). This document serves to notify the public of the availability of the permit application for review and comment.

DATES: Written comments on the permit applications must be received no later than 5 p.m. Pacific Standard Time on March 23, 2009.

ADDRESSES: Comments submitted by e-mail must be sent to the following address *FRNpermits.SAC@noaa.gov*. The application and related documents are available for review by appointment, for permit 1415: Protected Resources Division, NMFS, 650 Capitol Mall, Room 8–300, Sacramento, CA 95814–4706 (ph: 916–930–3601, fax: 916–930–3629).

FOR FURTHER INFORMATION CONTACT: Shirley Witalis at phone number 916–930–3601, or e-mail: *Shirley.Witalis@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

This notice is relevant to federally-listed Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) ESU, threatened Central Valley spring-run Chinook salmon (*O. tshawytscha*) ESU, threatened Central Valley steelhead (*O. mykiss*) DPS, and threatened southern DPS of North American green sturgeon (*Acipenser medirostris*).

Applications Received

USFWS requests a 5–year permit (1415) for take of adult and juvenile Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead; and juvenile larvae and eggs of North American green sturgeon associated with monitoring and research activities conducted in the Sacramento-San Joaquin river basins, Central Valley, CA.

RBFWO requests authorization for estimated annual take of adult and juvenile Sacramento River winter-run Chinook salmon, adult and juvenile Central Valley spring-run Chinook salmon, adult and juvenile California Valley steelhead, and the juvenile larvae and eggs of Southern DPS of North American green sturgeon for five consecutive years, resulting from research and monitoring activities involving the capture (by trawl, seine, fyke-net trap, hook and line, electrofishing, weir trap, egg trap, rotary screw trap or by hand), handling, fin clipping, tissue sampling, coded-wire tag extraction, otolith extraction, marking/tagging, release of fish, and conducting redd and carcass surveys, in associated with following nine projects.

Project 1 is an annual survey of the fish community structure in the Battle Creek watershed (a tributary to the Sacramento River) in Shasta County, California. This project will estimate changes in fish community distribution and abundance which may affect the success of the Battle Creek Salmon and Steelhead Restoration Project or which may occur as a result of the restoration project. Research activities associated with Project 1 involves direct observation of fish, observation by snorkel surveys; seining and electrofishing.

Project 2 monitors the annual production of juvenile Chinook salmon and steelhead in Battle Creek for purposes of (1) generating production indices for all runs of Chinook salmon and steelhead for evaluation of compliance with the Anadromous Fish Restoration Program (AFRP) production targets, assessing restoration activities toward meeting AFRP production goals, and obtaining important life history, condition and behavioral information. Research activities associated with Project 2 includes the collection and holding of salmonids through rotary screw traps, mark/recapture, and the application of anesthesia.

Project 3 monitors the annual adult salmonid escapement (species, number, timing, age, size, gender, timing and location of spawning, and potential limiting factors at various life stages) in Battle Creek. Monitoring is carried out at the Coleman National Fish Hatchery barrier weir, and through redd and carcass surveys in Battle Creek, to provide information for adaptive management of the Battle Creek Salmon and Steelhead Restoration Project.

Project 4 monitors juvenile salmonids out-migration and condition as a means of assess the effectiveness of restoration activities in Clear Creek (a tributary to Sacramento River) in Shasta County, CA. Research activities associated with Project 4 involves the collection and holding of juvenile salmonids through rotary screw traps, mark/recapture, and the application of anesthesia.

Project 5 monitors fish response to restoration actions (stream channel restoration, gravel enhancement,

increase of minimum stream flows) implemented in Clear Creek, for purposes of evaluation and adaptive management of the Clear Creek Restoration Program. Research activities associated with Project 5 may include the collection, transport and holding of fish; fish observation by stream survey, walking or wading; seining and electrofishing; fish rescues; application of anesthesia; conducting fish weight and length measurements, collection of fish scales for life history analysis; and retention of (carcass) fish heads for coded-wire extraction and/otolith analyses.

Project 6 monitors adult salmon escapement at the Red Bluff Diversion Dam fish ladder for purposes of identifying fall, late-fall, winter, and spring Chinook salmon run components of adult return migration. Research activities associated with Project 6 include the trapping, collecting, holding, and handling of fish, and examination of fish for condition assessment and identification of marks.

Project 7 monitors the seasonal, temporal, diel and spatial patterns of abundance of juvenile winter, spring, fall, and late-fall Chinook salmon and steelhead and green sturgeon passing RBDD in the upper Sacramento River basin; and allows for refining (model) the accuracy and precision of juvenile passage estimates. Research activities associated with Project 7 includes fish sampling by rotary screw trap, holding, and handling of juvenile salmon and steelhead for application of anesthesia, species identification, enumeration, forklength measurements, genetic analysis, marking/tagging, and release.

Project 8 conducts a carcass survey on winter-run Chinook salmon from the Clear Creek confluence area to the Keswick Dam in the upper Sacramento River watershed, for purposes providing annual adult escapement estimates on winter-run Chinook salmon. Research activities associated with Project 8 include recording carcass location, collecting forklength measurements, identifying gender and origin (hatchery [absence of adipose fin] or natural), evaluation of spawning success; and water quality (temperature and clarity) measurements.

Project 9 conducts research on the spawning habitat and larval drift characteristics of Southern Distinct Population Segment green sturgeon from Ord Ferry Bridge to Keswick Dam in the upper Sacramento River watershed for purposes of providing basic life history information. Research activities associated with Project 9 include determining spawning sites by sampling eggs with egg mats, and sampling larval green sturgeon using a benthic D-net, fyke net, push nets, or seines, to determine temporal and spatial drift characteristics of migrating larvae.

SFWO requests authorization for estimated annual take of juvenile Central Valley spring-run Chinook salmon and juvenile California Valley steelhead associated with Project 10 for five consecutive years, associated with research and monitoring activities involving visual observations (underwater observations on estimated fish numbers and forklengths, and fish utilization of riverine habitat) and physical habitat measurements (taking measurements of water depths and velocities, surveying water surface elevations and bed elevations).

Project 10 conducts monitoring and research activities to assess the status of streamflows in Central Valley streams prioritized by AFRP for doubling anadromous fish production over the base period of 1967 to 1991. Project 10 will assess instream flows in Clear Creek, South Cow Creek, and Old Cow Creek in the Sacramento River watershed, and the Tuolumne River in the San Joaquin River watershed, and determine the need for recommendations on streamflowrequirements necessary to support populations of anadromous salmonids species and other game fish in said sampled streams.

Dated: February 13, 2009.

Angela Somma,

Division Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E9–3686 Filed 2–19–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–AX70

Fisheries of the Northeastern United States; Monkfish Fishery; Scoping Process

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

ACTION: Notice of intent to prepare an environmental impact statement (EIS) and notice of initiation of scoping process; request for comments.

SUMMARY: The New England and Mid-Atlantic Fishery Management Councils (Councils) announce their intent to prepare an amendment (Amendment 5) to the Fishery Management Plan (FMP) for Monkfish (*Lophius americanus*) and to prepare an EIS to analyze the impacts of any proposed management measures. In general, the goals of the amendment are to bring the FMP into compliance with the new requirements of the reauthorized Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Stevens Act), specifically to establish annual catch limits (ACLs) and accountability measures (AMs), and to manage the fishery at long-term sustainable levels. The Councils are initiating a public process to determine the scope of alternatives to be addressed in the amendment and EIS. The purpose of this notification is to alert the interested public of the commencement of the scoping process and to provide for public participation in compliance with environmental documentation requirements.

DATES: Written and electronic scoping comments must be received on or before 5 pm., local time, March 31, 2009.

ADDRESSES: Written comments on Amendment 5 may be sent by any of the following methods:

- E-mail to the following address: *monkfish.five@noaa.gov*;
- Mail to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Scoping Comments on Monkfish Amendment 5;'' or
- Fax to Patricia A. Kurkul, 978–281–9135.

Requests for copies of the scoping document and other information should be directed to Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950, telephone 978–465–0492. The scoping document is accessible electronically via the Internet at *http://www.nefmc.org*.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council, 978–465–0492.

SUPPLEMENTARY INFORMATION:

Background

The U.S. monkfish fishery is jointly managed by both Councils, with the NEFMC having the administrative lead. The Councils manage monkfish under a two-area program (northern and southern), primarily due to differences in the characteristics of the fisheries in the two areas, and no conclusive evidence exists supporting the idea that there are two biological stocks. The Councils first adopted management

measures for the monkfish fishery in 1998, and the Monkfish FMP became effective on November 8, 1999. The Councils have modified the management program several times since the original FMP was adopted, most recently in 2007–2008 with the adoption of Framework Adjustments 4, 5, and 6.

While a significant portion of the monkfish catch in both areas is incidental to other fishing activities, a directed fishery (i.e., vessels fishing under monkfish days-at-sea (DAS)) also exists which targets monkfish. The Councils currently manage the directed fishery through a combination of DAS allocations and trip limits and have adopted incidental catch possession limits for all non-directed fisheries (i.e., vessels retaining the incidental catch of monkfish while not fishing under a DAS). The basis for setting effort controls on the directed fishery is a target total allowable catch (TTAC), from which the portion expected to be caught by the incidental-catch component of the fishery is subtracted before the directed fishery portion is calculated in order to minimize discards in the incidental catch fisheries.

In Framework Adjustment 4, the Councils adopted a 3-year TTAC specification for fishing years 2007 through 2009, and included a provision that those TTACs would remain in effect beyond that time if new specifications had not yet been adopted. Based on the anticipated effectiveness date of Amendment 5 (2011), the current TTACs will remain in effect under that extension provision through the 2010 fishing year (ending April 30, 2010). The TTACs are 5,000 mt and 5,100 mt for northern and southern management areas, respectively. The current allocation of DAS and the directed fishery trip limits are based on those TTACs, after accounting for the anticipated catch in incidental-catch fisheries.

The reauthorized Magnuson-Stevens Act requires that NMFS and the Councils establish ACLs and AMs by the year 2011 for every federally managed fishery that is not subject to overfishing, including monkfish. NMFS has published guidelines for the Councils to use in establishing ACLs, AMs, and other reference points relevant to National Standard 1, to ''prevent overfishing while achieving on a continuing basis, the optimum yield from each fishery...'' (74 FR 3178, January 16, 2009). This amendment is necessary, therefore, to update the Monkfish FMP to bring it into compliance with the reauthorized Magnuson-Stevens Act, and to adopt new multi-year TTAC specifications in a manner that is consistent with the new requirements of the reauthorized Magnuson-Stevens Act.

Measures Under Consideration

The Councils will consider alternatives for setting ACLs, AMs, and other management reference points, in compliance with the reauthorized Magnuson-Stevens Act and under the guidelines for National Standard 1. Among the reference points the Councils will adopt is the Acceptable Biological Catch (ABC), which will be based on the recommendation of the NEFMC's Scientific and Statistical Committee (SSC). The SSC will consider scientific uncertainty in the specification of ABC so that the catch will not exceed the overfishing limit. In determining the appropriate AMs, the NEFMC will consider management uncertainty such that the AMs prevent the catch from exceeding the ACL, or account for any overage in the event catches do exceed the ACL. The ACLs and AMs will serve as the basis for the management program, whether that is a continuation of the current DAS and trip limits system, or an alternative approach, such as described below.

In addition to addressing the reauthorized Magnuson-Stevens Act requirements in Amendment 5, and in response to public requests, the Councils are considering revising the management program from the current DAS and trip limits, to one based on individual transferrable quotas (ITQs) and/or one that allows for the formation of sectors in the monkfish fishery. While the Councils have stated that work on these two alternatives will commence only after development work on the other requirements is complete, it is accepting public comment during this scoping phase so that work on these alternatives can begin immediately upon completion of the primary components of the amendment.

The reauthorized Magnuson-Stevens Act authorizes and provides a regulatory framework for Councils to establish Limited Access Privilege Programs (LAPPs), of which ITQs are one type. In addition to the requirements and standards for all LAPPs, the reauthorized Magnuson-Stevens Act requires the NEFMC specifically to hold a referendum and gain approval of more than two thirds of the voters for an ITQ program prior to submitting the plan to NMFS. The Councils would recommend who is eligible to participate in the referendum from among the potential pool that includes permit holders and crew members who derive a significant part of their total income from the fishery under the proposed program. If an ITQ system is adopted, the Councils would allocate individual proportions of the available catch to qualified participants who would then be allowed, under yet-unspecified terms and restrictions, to buy, sell, trade, or otherwise transfer their shares to other participants.

With regards to sectors, the NEFMC has already adopted two sector management programs in the Northeast Multispecies FMP, and is considering adopting additional sectors in that fishery and in other FMPs under its authority. The NEFMC has also adopted a Sector Policy that establishes overall guidelines, requirements and restrictions that apply to all of the sector programs adopted under its individual FMPs. Under sector management programs, vessels may join together in an organized group, a''sector,'' to maximize the efficiency with which they harvest the available catch. Vessels electing to join a sector bring to the group a potential sector contribution which is an individual proportion of the total available catch for the sector species, and the vessels pool and redistribute their contribution in the manner of their choosing, subject to NMFS' approval. Under sector management, vessels may be exempt from many, but not all of the restrictions and rules that apply to non-sector vessels.

Scoping Process

All persons affected by or otherwise interested in monkfish fishery management are invited to participate in determining the scope and significance of issues to be analyzed by submitting written comments (see **ADDRESSES**) or by attending one of the meetings where scoping comments will be taken. Scoping consists of identifying the range of actions, alternatives (including taking no action), and impacts to be considered in developing an amendment that addresses the purposes and goals discussed in this notice. Impacts may be direct, indirect, or cumulative. This scoping process will also identify and eliminate from detailed analysis issues that are not significant, as well as alternatives that do not achieve the goals of the FMP or this amendment.

After the scoping process is completed, the Councils will identify the range of alternatives to be considered and analyzed in the Amendment 5 document and EIS. Once a draft amendment document, including a Draft EIS, is completed, the Councils will hold public hearings to receive comments on the alternatives and the analysis of its impacts presented in the

Draft EIS. Following that public comment period, the Councils will identify their proposed action and complete a final amendment document that includes a Final EIS, as well as documentation and analysis required by all other applicable laws. The Councils will then submit the amendment to NMFS for review, approval and implementation. To meet the reauthorized Magnuson-Stevens Act mandated implementation date of 2011, the Councils intend to submit the final amendment document in mid–2010.

Scoping Hearing Schedule

The Councils will discuss and take scoping comments at the following public meetings:

1. *Monday, February 23, 2009, 4 p.m.*; Annisquam River Marine Fisheries Station, 30 Emerson Avenue, Gloucester, MA 01930, telephone: 978–282–0308.
2. *Tuesday, February 24, 2009, 10 a.m.*; Hilton Garden Inn (Hillsborough Room), One Thurber Road, Warwick, RI 02886; telephone: 401–734–9600.
3. *Tuesday, March 3, 2009, 7 p.m.*; Holiday Inn, 151 Route 72 East, Manahawkin, NJ 08050; telephone: 609–481–6100.
4. *Friday, March 6, 2009, 1 p.m.*; Maine Fishermen's Forum, Samoset Resort, 220 Warrenton Street, Rockport, ME 04856; telephone: 207–594–2511.

Special Accommodations

The meetings are accessible to people with physical disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to this meeting date.

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

Dated: February 13, 2009.

Emily H. Menashes,

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

[FR Doc. E9–3701 Filed 2–19–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF ENERGY

State Energy Advisory Board (STEAB)

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the State Energy Advisory Board (STEAB). The Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: March 17–19, 2009.

ADDRESSES: L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Gary Burch, STEAB Designated Federal Officer, Office of Commercialization and Project Management, Golden Field Office, U.S. Department of Energy, 1617 Cole Boulevard, Golden, CO 80401, Telephone 303–275–4801.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: To make recommendations to the Assistant Secretary for the Office of Energy Efficiency and Renewable Energy regarding goals and objectives, programmatic and administrative policies, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. No. 101–440).

Tentative Agenda: Discuss ways STEAB can support DOE's implementation of the Economic Recovery Act, commercialization efforts for both energy efficiency and renewable energy, consider potential collaborative activities involving the State Energy offices, and update members on their routine business matters.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Gary Burch at the address or telephone number listed above. Requests to make oral comments must be received five days prior to the meeting; reasonable provision will be made to include requested topic(s) on the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 60 days on the STEAB Web site, *http://www.steab.org.*

Issued at Washington, DC, on February 17, 2009.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. E9–3666 Filed 2–19–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

February 12, 2009.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER99–845–015
Applicants: Puget Sound Energy, Inc.
Description: Notice of Non-Material Change in Status.
Filed Date: 02/04/2009
Accession Number: 20090204–5162
Comment Date: 5 p.m. Eastern Time on Wednesday, February 25, 2009.

Docket Numbers: ER00–586–007.
Applicants: Madison Gas & Electric Company.
Description: Madison Gas & Electric submits Market-Based Power Sales Tariff, Second Revised Volume 4.
Filed Date: 02/09/2009.
Accession Number: 20090211–0198.
Comment Date: 5 p.m. Eastern Time on Monday, March 2, 2009.

Docket Numbers: ER00–3412–008; ER00–2687–010; ER00–816–006; ER05–53–009; ER04–8–007; ER98–2440–007; ER98–3285–005; ER05–638–002; ER05–1482–003.
Applicants: Ameren Energy Generating Company, Ameren Energy Marketing Company, AmerenEnergy Resources Generating Company, AmerenEnergy Medina Valley Cogen, LLC, Central Illinois Light Company, Central Illinois Public Service Company, Illinois Power Company, Union Electric Company.
Description: Ameren Services Company submits a supplement to its 12/24/08 filing of an updated market power analysis.
Filed Date: 02/06/2009.
Accession Number: 20090210–0073.
Comment Date: 5 p.m. Eastern Time on Friday, February 27, 2009.

Docket Numbers: ER01–205–033; ER98–2640–031
Applicants: Xcel Energy Services Inc.; Northern States Power Company-Wisconsin.
Description: NSP Companies submits a supplement to its updated market power analysis which reflects the results of the revised SIL Study.
Filed Date: 02/06/2009.
Accession Number: 20090210–0071.
Comment Date: 5 p.m. Eastern Time on Friday, February 27, 2009.

Docket Numbers: ER01–2636–005.
Applicants: ALLETE, Inc.
Description: Minnesota Power submits Supplemental Joint Affidavit of

Rodney Frame and Donna Lau Brooks to update their original testimony submitted on 12/31/08 re the Revised Simultaneous Import Limit Estimates for Triennial Market Analysis.

Filed Date: 02/06/2009.

Accession Number: 20090210–0069.

Comment Date: 5 p.m. Eastern Time on Friday, February 27, 2009.

Docket Numbers: ER01–1403–010; ER01–2968–011; ER01–845–009; ER04–366–008; ER05–1122–007; ER06–1443–006; ER08–107–004.

Applicants: FirstEnergy Operating Companies, Pennsylvania Power Company, Jersey Central Power & Light Co., FirstEnergy Solutions Corp., FirstEnergy Generation Corporation, FirstEnergy Nuclear Generation Corporation, FirstEnergy Generation Mansfield Unit 1.

Description: FirstEnergy Corp submits revised indicative market power screen analysis for the wholesale electricity market etc.

Filed Date: 02/06/2009.

Accession Number: 20090210–0075.

Comment Date: 5 p.m. Eastern Time on Friday, February 27, 2009.

Docket Numbers: ER05–1491–002.

Applicants: Vermont Yankee Nuclear Power Corporation.

Description: Vermont Yankee Nuclear Power Corporation submits amendment to their 12/12/08 filing of an updated market power analysis etc.

Filed Date: 02/05/2009.

Accession Number: 20090210–0037.

Comment Date: 5 p.m. Eastern Time on Thursday, February 26, 2009.

Docket Numbers: ER08–1392–001.

Applicants: Fowler Ridge III Wind Farm LLC.

Description: Fowler Ridge III Wind Farm LLC submits Original Sheet 1 to FERC Electric Tariff, Original Volume 1.

Filed Date: 02/09/2009.

Accession Number: 20090211–0013.

Comment Date: 5 p.m. Eastern Time on Monday, March 2, 2009.

Docket Numbers: ER08–1443–001.

Applicants: Noble Great Plains Windpark, LLC.

Description: Notification of Non-Material Change in Status of Noble Great Plains Windpark, LLC under ER08–1443.

Filed Date: 02/06/2009.

Accession Number: 20090206–5073.

Comment Date: 5 p.m. Eastern Time on Friday, February 27, 2009.

Docket Numbers: ER09–88–001.

Applicants: Southern Company Services, Inc.

Description: Supplemental Compliance Filing of Southern Company Services, Inc.

Filed Date: 02/02/2009.

Accession Number: 20090202–5122.

Comment Date: 5 p.m. Eastern Time on Monday, February 23, 2009.

Docket Numbers: ER09–262–002.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc submits timeline for the completion of pending interconnection requests in the two proposed clusters.

Filed Date: 02/09/2009.

Accession Number: 20090211–0012.

Comment Date: 5 p.m. Eastern Time on Monday, March 2, 2009.

Docket Numbers: ER09–561–000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc submits supplemental filing to provide notice of payment default etc.

Filed Date: 02/04/2009.

Accession Number: 20090209–0133.

Comment Date: 5 p.m. Eastern Time on Wednesday, February 25, 2009.

Docket Numbers: ER09–563–001.

Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection, LLC submits an errata to correct a typographical error in its 1/21/09 filing which included an executed interim interconnection service agreement with Virginia Electric and Power Co.

Filed Date: 02/05/2009.

Accession Number: 20090206–0242.

Comment Date: 5 p.m. Eastern Time on Thursday, February 26, 2009.

Docket Numbers: ER09–574–000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc submits Exhibits I and II which was inadvertently omitted from the 1/26/09 Open Access Transmission Tariff intended to modify the transmission and base plan rates for certain pricing zones under SPP's Tariff.

Filed Date: 02/05/2009.

Accession Number: 20090210–0036.

Comment Date: 5 p.m. Eastern Time on Thursday, February 26, 2009.

Docket Numbers: ER09–575–000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool. Inc submits supplement to their 1/26/09 filing of revised pages to their Open Access Transmission Tariff.

Filed Date: 02/05/2009.

Accession Number: 20090210–0035.

Comment Date: 5 p.m. Eastern Time on Thursday, February 26, 2009.

Docket Numbers: ER09–659–000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc submits an executed Letter Agreement regarding Inter-Regional Planning with Entergy Services, Inc.

Filed Date: 02/06/2009.

Accession Number: 20090209–0202.

Comment Date: 5 p.m. Eastern Time on Friday, February 27, 2009.

Docket Numbers: ER09–663–000.

Applicants: Xcel Energy Services Inc.

Description: Public Service Company of Colorado submits Fourth Revised Sheet 8 et al. to FERC Electric Tariff, First Revised Volume 1, to be effective 4/7/09.

Filed Date: 02/06/2009.

Accession Number: 20090209–0117.

Comment Date: 5 p.m. Eastern Time on Friday, February 27, 2009.

Docket Numbers: ER09–664–000.

Applicants: Reliant Energy Wholesale Generation, LLC.

Description: Reliant Energy Wholesale Generation, LLC submits a Notice of Succession with respect to Seward's Rate Schedule FERC 2 etc.

Filed Date: 02/06/2009.

Accession Number: 20090210–0164.

Comment Date: 5 p.m. Eastern Time on Friday, February 27, 2009.

Docket Numbers: ER09–665–000.

Applicants: Wellhead Power eXchange, LLC.

Description: Wellhead Power eXchange, LLC submits its proposed initial market-based rate tariff, FERC Electric Tariff 1, pursuant to which Applicant proposes to provide power marketing services.

Filed Date: 02/10/2009.

Accession Number: 20090212–0196.

Comment Date: 5 p.m. Eastern Time on Tuesday, March 3, 2009.

Docket Numbers: ER09–673–000.

Applicants: Virtual Energy, Incorporated.

Description: Virtual Energy, Incorporated submits a Notice of Cancellation of FERC Electric Tariff, Original Volume 1.

Filed Date: 02/09/2009.

Accession Number: 20090210–0276.

Comment Date: 5 p.m. Eastern Time on Monday, March 2, 2009.

Docket Numbers: ER09–674–000.

Applicants: ZZ Corporation.

Description: ZZ Corporation submits a notice of cancellation of its FERC Electric Tariff, Original Volume 1, to be effective 2/1/09.

Filed Date: 02/09/2009.

Accession Number: 20090210–0275.

Comment Date: 5 p.m. Eastern Time on Monday, March 2, 2009.

Docket Numbers: ER09–675–000.

Applicants: Southeast Chicago Energy Project, LLC.

Description: Southeast Chicago Energy Project, LLC submits Notice of

Cancellation of First Revised Rate Schedule FERC 1, effective 1/1/09.
Filed Date: 02/09/2009.
Accession Number: 20090210–0274.
Comment Date: 5 p.m. Eastern Time on Monday, March 2, 2009.

Docket Numbers: ER09–676–000.
Applicants: Brownsville Power I. L.L.C.
Description: Brownsville Power I, LLC submits Notice of Cancellation of their FERC Electric Tariff, First Revised Volume 1, effective 4/10/09.
Filed Date: 02/09/2009.
Accession Number: 20090210–0273.
Comment Date: 5 p.m. Eastern Time on Monday, March 2, 2009.

Docket Numbers: ER09–677–000.
Applicants: AmerGen Energy Company LLC.
Description: AmerGen Energy Company, LLC submits Notices of Cancellation of Rate Schedule FERC 2 et al., FERC Electric Tariff 1 pursuant to Order 614.
Filed Date: 02/09/2009.
Accession Number: 20090210–0272.
Comment Date: 5 p.m. Eastern Time on Monday, March 2, 2009.

Docket Numbers: ER09–678–000.
Applicants: Ameren Services Company as Agent for Ill.
Description: Illinois Power Co submits an executed service agreement for Wholesale Distribution Service with Prairie Power, Incorporated.
Filed Date: 02/09/2009.
Accession Number: 20090210–0271.
Comment Date: 5 p.m. Eastern Time on Monday, March 2, 2009.

Docket Numbers: ER09–679–000.
Applicants: Ameren Services Company.
Description: Ameren Services Company on behalf of Central Illinois Light Company *et al.* submits the Amended Transmission Interconnection Agreement with City of Springfield, IL.
Filed Date: 02/09/2009.
Accession Number: 20090210–0270.
Comment Date: 5 p.m. Eastern Time on Monday, March 2, 2009.

Docket Numbers: ER09–681–000.
Applicants: Green Power Express LP.
Description: Green Power Express LP submits their request for privileged treatment of information related to transfer flows between regions contained in Exhibit GPA–401, Slides 34–36.
Filed Date: 02/09/2009.
Accession Number: 20090211–0034.
Comment Date: 5 p.m. Eastern Time on Monday, March 2, 2009.

Docket Numbers: ER09–682–000.
Applicants: Entergy Services, Inc.
Description: Entergy Arkansas, Inc. submits an executed Agreement for Transmission Work with Oklahoma Gas & Electric Co.
Filed Date: 02/10/2009.
Accession Number: 20090211–0007.
Comment Date: 5 p.m. Eastern Time on Tuesday, March 3, 2009.

Docket Numbers: ER09–684–000.
Applicants: Public Service Company of New Mexico.
Description: Public Service Company of New Mexico submits a transmission service agreement with Cargill Power Markets, LLC under the PNM Open Access Transmission Tariff.
Filed Date: 02/10/2009.
Accession Number: 20090212–0194.
Comment Date: 5 p.m. Eastern Time on Tuesday, March 3, 2009.

Docket Numbers: ER09–685–000.
Applicants: American Electric Power Service Corporation.
Description: AEP Operating Companies requests acceptance of a ninth revision to the Interconnection and Local Delivery Agreement with Blue Ridge Power Authority.
Filed Date: 02/10/2009.
Accession Number: 20090212–0195.
Comment Date: 5 p.m. Eastern Time on Tuesday, March 3, 2009.

Docket Numbers: ER09–686–000.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc. submits proposed revisions to its Market Administration and Control Area Services Tariff and its Open Access Transmission Tariff etc.
Filed Date: 02/10/2009.
Accession Number: 20090212–0197.
Comment Date: 5 p.m. Eastern Time on Tuesday, March 3, 2009.

Docket Numbers: ER09–701–000.
Applicants: PJM Interconnection L.L.C.
Description: PJM Interconnection, LLC submits revisions to Schedule 1 of the Amended and Restated Operating Agreement of PJM as well as the parallel provisions of the Appendix to Attachment K of their Open Access Transmission Tariff.
Filed Date: 02/10/2009.
Accession Number: 20090212–0198.
Comment Date: 5 p.m. Eastern Time on Tuesday, March 3, 2009.

Take notice that the Commission received the following electric securities filings:
Docket Numbers: ES09–18–000.
Applicants: Rockland Electric Company.
Description: Application under Section 204 of Rockland Electric Company for authorization to issue and sell short-term debt not in excess of $30 million.
Filed Date: 02/10/2009.
Accession Number: 20090210–5118.
Comment Date: 5 p.m. Eastern Time on Tuesday, March 3, 2009.

Take notice that the Commission received the following open access transmission tariff filings:
Docket Numbers: OA08–59–004.
Applicants: Entergy Services, Inc.
Description: Entergy Operating Companies submits revisions to Attachment K of its Open Access Transmission Tariff in accordance with the Commission's 9/18/08 Order.
Filed Date: 02/06/2009.
Accession Number: 20090210–0269.
Comment Date: 5 p.m. Eastern Time on Friday, February 27, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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 proceedings 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.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–3572 Filed 2–19–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

February 17, 2009.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP09–8–001.
Applicants: Tuscarora Gas Transmission Company.
Description: Tuscarora Gas Transmission Company submits Stipulation and Agreement under RP09–8.
Filed Date: 02/12/2009.
Accession Number: 20090213–0379.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 24, 2009.

Docket Numbers: RP09–253–001.
Applicants: Florida Gas Transmission Company, LLC.
Description: Florida Gas Transmission Company, LLC submits First Revised Sheet 301 to its FERC Gas Tariff, Fourth Revised Volume 1, to be effective 2/23/09.
Filed Date: 02/12/2009.
Accession Number: 20090213–0167.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 24, 2009.

Docket Numbers: RP09–338–001.
Applicants: Portland Natural Gas Transmission System.
Description: Portland Natural Gas Transmission System submits First Revised Sheet 343 *et al.* to FERC Gas Tariff, Second Revised Volume 1 for compliance with Commission Order 712.
Filed Date: 02/12/2009.
Accession Number: 20090213–0163.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 24, 2009.

Docket Numbers: RP09–340–001.
Applicants: Columbia Gas Transmission, LLC.
Description: Columbia Gas Transmission LLC submits First Revised Sheet 25 *et al.* to its FERC Gas Tariff, Third Revised Volume 1, to be effective 3/3/09.
Filed Date: 02/12/2009.
Accession Number: 20090213–0166.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 24, 2009.

Docket Numbers: RP09–362–000.
Applicants: Northern Natural Gas Company.
Description: Northern Natural Gas Company submits petitions for a limited waiver of tariff provisions.
Filed Date: 02/12/2009.
Accession Number: 20090213–0168.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 24, 2009.

Docket Numbers: RP09–363–000.
Applicants: Equitrans, L.P.
Description: Equitrans, LP submits Fourth Revised Sheet 270 *et al.* to its FERC Gas Tariff, Original Volume 1, to be effective 3/16/09.
Filed Date: 02/12/2009.
Accession Number: 20090213–0169.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 24, 2009.

Docket Numbers: RP09–364–000.
Applicants: North Baja Pipeline, LLC.
Description: North Baja Pipeline, LLC submits certain tariff sheets to be part of its FERC Gas Tariff. Original Volume 1.
Filed Date: 02/13/2009.
Accession Number: 20090213–0170.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 25, 2009.

Docket Numbers: RP09–365–000.
Applicants: UGI LNG, Inc.
Description: UGI LNG, Inc submits Original Sheet 1 *et al.* to FERC Gas Tariff, Original Volume 1, to be effective 3/1/09.
Filed Date: 01/30/2009.
Accession Number: 20090203–0217.
Comment Date: 5 p.m. Eastern Time on Monday, February 23, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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 proceedings 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 dockets(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.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E9–3633 Filed 2–19–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

February 13, 2009.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP09–232–001.
Applicants: Northern Natural Gas Company.
Description: Northern Natural Gas Company submits Eighth Revised Sheet 403A *et al.* to its FERC Gas Tariff, Fifth Revised Volume 1, to be effective 2/21/09.
Filed Date: 02/03/2009.
Accession Number: 20090204–0049.
Comment Date: 5 p.m. Eastern Time on Wednesday, February 18, 2009.

Docket Numbers: RP09–338–001.
Applicants: Portland Natural Gas Transmission System.
Description: Portland Natural Gas Transmission System submits First Revised Sheet 343 *et al.* to FERC Gas Tariff, Second Revised Volume 1 for

compliance with Commission Order 712.

Filed Date: 02/12/2009.

Accession Number: 20090213–0163.

Comment Date: 5 p.m. Eastern Time on Friday, February 20, 2009.

Docket Numbers: RP09–283–001.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, LP submits Seventh Revised Sheet 50B to FERC Gas Tariff, First Revised Volume 1.

Filed Date: 02/11/2009.

Accession Number: 20090212–0055.

Comment Date: 5 p.m. Eastern Time on Monday, February 23, 2009.

Docket Numbers: RP09–294–001.

Applicants: Columbia Gas Transmission, LLC.

Description: Columbia Gas Transmission, LLC submits Eighth Revised Sheet 351 to FERC Gas Tariff, Second Revised Volume 1.

Filed Date: 02/11/2009.

Accession Number: 20090212–0261.

Comment Date: 5 p.m. Eastern Time on Monday, February 23, 2009.

Docket Numbers: RP09–358–000.

Applicants: Dominion South Pipeline Company, LP.

Description: Dominion South Pipeline Company, LP submits for filing 1st Revised Sheet 1000 *et al.* for inclusion in FERC Gas Tariff, Original Volume 1, with a proposed effective date of 3/12/09.

Filed Date: 02/11/2009.

Accession Number: 20090212–0271.

Comment Date: 5 p.m. Eastern Time on Monday, February 23, 2009.

Docket Numbers: RP09–359–000.

Applicants: Dominion Cove Point LNG, LP.

Description: Dominion Cove Point LNG, LP submits for filing 8th Revised Sheet 200 *et al.* for inclusion in FERC Gas Tariff, Original Volume 1, with a proposed effective date of 3/12/09.

Filed Date: 02/11/2009.

Accession Number: 20090212–0270.

Comment Date: 5 p.m. Eastern Time on Monday, February 23, 2009.

Docket Numbers: RP09–360–000.

Applicants: Dominion Transmission, Inc.

Description: Dominion Transmission, Inc submits for filing 17th Revised Sheet 1000 *et al.* to FERC Gas Tariff, Third Revised Volume 1, with a proposed effective date 3/12/09.

Filed Date: 02/11/2009.

Accession Number: 20090212–0269.

Comment Date: 5 p.m. Eastern Time on Monday, February 23, 2009.

Docket Numbers: RP09–361–000.

Applicants: Columbia Gas Transmission, LLC.

Description: Columbia Gas Transmission submits First Revised Sheet 25C to Second Revised Volume 1 under RP09–361, with a proposed effective date of 4/1/09.

Filed Date: 02/11/2009.

Accession Number: 20090212–0268.

Comment Date: 5 p.m. Eastern Time on Monday, February 23, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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 proceedings 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 dockets(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.

Nathaniel J. Davis, Sr.,

Deputy Secretary. CNFGAS02132009

[FR Doc. E9–3634 Filed 2–19–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Interconnection for the Keystone Oil Pipeline Project

AGENCY: Western Area Power Administration, DOE.

ACTION: Record of Decision.

SUMMARY: The U.S. Department of Energy (DOE), Western Area Power Administration (Western), announces its decision to modify three existing Western substation facilities and construct one new tap facility to accommodate interconnection requests from Minnkota Power Cooperative, Central Power Electric Cooperative, and East River Electric Power Cooperative (the Applicants). The modifications, construction, and interconnections are connected actions to the TransCanada Keystone Oil Pipeline Project, the environmental impacts of which were analyzed in the *Final Environmental Impact Statement for the Keystone Oil Pipeline Project* issued by the Department of State (DOS) [1] and adopted by DOE Western as DOE/EIS–0410 on January 21, 2009.

Western will modify three existing Western facilities: The Lakota Substation, Nelson County, North Dakota; the Forman Substation, Sargent County, North Dakota; the Groton Substation, Brown County, South Dakota; and construct one new facility, the Enderlin Tap facility, Ransom County, North Dakota.

Western has prepared this Record of Decision (ROD) in accordance with the regulations of the Council on Environmental Quality (CEQ) (40 CFR 1500–1508) for implementing the National Environmental Policy Act (NEPA) and DOE's NEPA Implementing Procedures (10 CFR 1021).

ADDRESSES: The Final Environmental Impact Statement (EIS) and project information are available on the DOS Keystone Pipeline Web site at *http://www.keystonepipeline.state.gov/clientsite/keystone.nsf?Open.* This ROD and the EIS will be available on the DOE NEPA Web site at *http://www.gc.energy.gov/NEPA/.* In addition,

[1] See Environmental Protection Agency, Notice of Availability, 73 FR 2027 (January 11, 2008).

copies of this ROD may be requested by contacting Mr. Nicholas Stas, NEPA Compliance Officer, Western Area Power Administration, P.O. Box 35800, Billings, MT 59107, by telephone at (406) 247–7399, by facsimile at (406) 247–7408, or by electronic mail at *stas@wapa.gov*.

FOR FURTHER INFORMATION CONTACT: For further information about this ROD, contact Mr. Stas as indicated in the **ADDRESSES** section above. For information about DOE's NEPA process, contact Ms. Carol M. Borgstrom, Director, NEPA Policy and Compliance, GC–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, telephone (202) 586–4600 or leave a message at (800) 472–2756.

SUPPLEMENTARY INFORMATION: DOS was the lead agency in the preparation of the *Final Environmental Impact Statement for the Keystone Oil Pipeline Project*. Western participated as a cooperating agency in preparation of this EIS in order to address Western's proposed response to the Applicants' interconnection request requiring modification of three existing substations and construction of one new transmission line tap to support the Keystone Oil Pipeline Project.

Background

Executive Order 13337 (69 FR 2529, May 5, 2004), as amended, delegates to the Secretary of State the President's authority to receive applications for permits for the construction, connection, operation, or maintenance of facilities for the exportation or importation of petroleum, petroleum products, coal, or other fuels at the border of the United States and to issue or deny such Presidential permits. The functions assigned to the Secretary have been further delegated within DOS.

On April 19, 2006, TransCanada Keystone Pipeline, LP (Keystone), filed an application for a Presidential permit for the construction, connection, operation, and maintenance of pipeline facilities at the border of the United States and Canada for the transport of crude oil across the U.S.-Canada international boundary. Keystone is a limited partnership, organized under the laws of the State of Delaware. Keystone is equally owned by TransCanada Corporation, a Canadian public company organized under the laws of Canada, including the Canada Business Corporation Act, and ConocoPhillips Company, a Delaware corporation.

The Keystone Pipeline will transport crude oil from Hardisty, Alberta, Canada, to existing terminals and refineries at Wood River and Patoka, Illinois, (Mainline Project) with an extension via Steele City, Nebraska, to Ponca City and Cushing, Oklahoma (Cushing Extension). As presented in the application, the Mainline Project crosses the U.S.-Canada border at Pembina County, North Dakota, and follows a southern track through North Dakota, South Dakota, and Nebraska. At Steele City, Nebraska, the route of the Mainline Project turns east through the northeast corner of Kansas and crosses Missouri to the terminals in Illinois. The Cushing Extension continues south from Steele City, Nebraska, through Kansas to Ponca City and Cushing, Oklahoma.[2]

A portion of the Keystone Oil Pipeline Project is located within Western's Upper Great Plains Region, specifically North Dakota and South Dakota. Minnkota Power Cooperative, Central Power Electric Cooperative, and East River Electric Power Cooperative submitted interconnection requests to Western to serve pumping stations associated with the Keystone Oil Pipeline Project.

Western's connected action is a small part of the overall Keystone Oil Pipeline Project, involving interconnection requests for power to supply only four of the required 23 pumping stations. Three existing Western substation facilities and one new tap facility were identified as interconnection points to serve the delivery of electricity to the pumping stations. The existing facilities identified were the Lakota Substation, located in Nelson County, North Dakota, the Forman Substation, located in Sargent County, North Dakota, and the Groton Substation, located in Brown County, South Dakota. A new transmission line tap, the Enderlin Tap, will be located in Ransom County, North Dakota, along Western's existing Valley City-Forman 115-kilovolt (kV) transmission line.[3]

Western's Federal action associated with the Keystone Oil Pipeline Project is approval or denial of the network customers' interconnection request for unplanned load delivery. Western, as the network provider and a balancing authority, is responsible for meeting load growth requests from network customers. In responding to the Applicants' requests, Western must abide by the following:

- Addressing Interconnection Requests. Western's *General Requirements for Interconnection* establishes a process for addressing applications for interconnection. The process dictates that Western respond to the application as presented by network customers.
- Protecting Transmission System Reliability and Service to Existing Customers. Western's purpose and need is to ensure that existing reliability and service is not degraded. Western's *General Requirements for Interconnection* provides for transmission and system studies to ensure that system reliability and service to existing customers is not adversely affected. If the existing power system cannot accommodate the applicant's request without modifications or upgrades, the applicant may be responsible for funding the necessary work unless the changes would provide overall system benefits.

Western's purpose and need for action is to respond to the interconnection requests and ensure agency compliance with applicable environmental laws while considering the Applicants' objectives.

NEPA Review

A Notice of Intent to prepare an EIS was published by the DOS in the **Federal Register** on October 11, 2006 (71 FR 59849). DOS held 13 scoping meetings from October 24, 2006, through November 16, 2006, in the vicinity of the proposed Keystone Oil Pipeline Project route to solicit public comments. The official scoping period ended on November 30, 2006; however, additional comments received after this date were considered in the draft environmental impact statement (Draft EIS). The Keystone Oil Pipeline Project Draft EIS was issued for public review on August 10, 2007. From September 4, 2007, through September 20, 2007, 13 public hearings were held to solicit public comments on the Draft EIS. The public comment period ended on September 24, 2007; however, additional comments were accepted until November 2007. DOE reviewed and provided comments to DOS on the Draft and Final EIS. The Notice of Availability of the Final EIS was published by the Environmental Protection Agency in the **Federal**

[2] DOS issued a permit on March 11, 2008, authorizing TransCanada Keystone Pipeline, LP, to construct, connect, operate, and maintain pipeline facilities at border crossing facilities in connection with the Keystone Oil Pipeline Project, which is designed to transport incremental Canadian crude oil production from the Western Canadian Sedimentary Basin to existing terminals in Illinois and Oklahoma.

[3] Independent of the Keystone Oil Pipeline, these actions normally do not require an Environmental Assessment or Environmental Impact Statement. The actions listed can be classified as classes of actions that DOE has determined do not individually or cumulatively have significant effect on the human environment (categorical exclusions) (10 CFR Pt. 1021, Subpt. D, App. B4.11).

Register on January 11, 2008 (73 FR 2027).

Alternatives Considered

The EIS evaluated the proposed Keystone oil pipeline (preferred alternative), the No Action alternative, a Systems alternative, Major Route alternative, Route Variations for the Proposed alternative, and an Aboveground Facility alternative. Western considered alternative sites for its connected actions but dismissed them from consideration, as no viable alternative locations were identified. Therefore, Western limited its analysis to the interconnection requests along the preferred alternative route the Applicants submitted for approval.

Under the No Action alternative, the Keystone Oil Pipeline Project would not be built and Western would not grant the Applicant's request to interconnect to Western's transmission system. Western would not modify the three existing substation facilities nor construct one transmission line tap facility. Without Western's actions, existing environmental conditions at the four locations would remain unchanged.

Environmentally Preferred Alternative

Western evaluated the alternatives to determine which is environmentally preferred, as required under 40 CFR 1505.2(b). The No Action alternative is the environmentally preferred alternative because no new disturbance would result. No impacts to environmental or social resources would occur. The No Action alternative would not, however, meet the Applicants' objectives.

Consultation

The DOS is the lead Federal agency for Keystone Oil Pipeline Project compliance with section 106 of the National Historic Preservation Act (NHPA) and Tribal consultation for all components of the Project. Western is responsible for compliance of its own actions with section 106 of the NHPA. Western reviewed the Lakota Substation, Forman Substation, and Groton Substation interconnection requests and determined the modifications would take place within the existing facility boundaries; therefore, no consultation would be required. Western reviewed the Enderlin Tap interconnection request and determined consultation was required. Western consulted with the North Dakota State Historic Preservation Officer (North Dakota SHPO) for the Enderlin Tap facility. Concurrence was received from the North Dakota SHPO for the Enderlin Tap facility on December 17, 2008. Western also evaluated the location of its action in relation to tribal lands. No tribal lands will be impacted by the Western action.

The DOS is also the lead for Keystone Oil Pipeline Project compliance with section 7 of the Endangered Species Act (ESA) (16 U.S.C. 1536). Western is responsible for compliance of its own actions with section 7 of the ESA. Western committed in a letter dated February 7, 2008, to the U.S. Fish and Wildlife Service (USFWS) of the Department of the Interior to complete the ESA section 7 consultation prior to committing any resources or authorizing electrical infrastructure for the Keystone Project. Western determined that its actions would not affect the listed species for Nelson, Sargent, and Ransom counties, North Dakota, and Brown County, South Dakota. These species include the gray wolf, whooping crane, Topeka shiner, western prairie fringed orchid, Eskimo curlew, and Dakota skipper. Western's determination was submitted to the USFWS in a letter dated December 16, 2008. Concurrence was received from the South Dakota Field Office of the USFWS on December 30, 2008, and from the North Dakota Field Office of the USFWS on January 9, 2009.

Adoption

Western adopted the *Final Environmental Impact Statement for the Keystone Oil Pipeline Project* as DOE/EIS–0410 on January 21, 2009. Per CEQ regulations at 40 CFR 1506.3(c), Western did not re-circulate the EIS because its comments and suggestions on the EIS content were satisfied. Western acknowledges that the EIS is the subject of two judicial actions, *Natural Resources Defense Council* v. *U.S. Department of State*, No. 08–CV–01363 (D.D.C., filed Aug. 6, 2008), and *The Sisseton-Wahpeton Oyate* v. *U.S. Department of State,* No. 08–3023 (D.S.D., filed Nov. 24, 2008), which are not final (40 CFR 1506.3(d)).

Decision

Western has decided to grant the Applicants' request to interconnect with Western's transmission system at the existing substations in Nelson and Sargent counties, North Dakota, and Brown County, South Dakota, as well as the new Ransom County, North Dakota, facility. The actions would meet the Applicants' objectives to serve four pumping stations for the Keystone Oil Pipeline Project in North Dakota and South Dakota. Construction, operation, and maintenance of the actions would not result in significant short- or long-term environmental impacts.

Western will modify the existing Lakota Substation, Nelson County, North Dakota, to include upgrading the existing 69-kV transformer and ancillary electrical substation equipment to provide load delivery. The previously disturbed existing footprint of the Lakota Substation will not change with the upgrade.

Western will modify the existing Forman Substation, Sargent County, North Dakota, to include the addition of a 115-kV bay and ancillary electrical substation equipment to provide load delivery. The previously disturbed existing footprint of the Forman Substation will not change with the upgrade.

Western will modify the existing Groton Substation, Brown County, South Dakota, to include the addition of a 115-kV bay and ancillary electrical substation equipment to provide load delivery. The previously disturbed existing footprint of the Groton Substation will not change with the upgrade.

Western will construct the new Enderlin Tap facility, Ransom County, North Dakota on Western's existing Valley City-;Forman 115-kV transmission line to provide load delivery. A transmission line tap is the connection of a new transmission line to an existing transmission line for the purposes of supplying electricity to a new location. The Enderlin Tap facility consists of the connection between the Valley City-Forman 115-kV transmission line and the transmission line serving the pumping station. The tap would be at an existing transmission line pole structure. The tap would not result in any long-term disturbance.

Western's connected action will not involve Western constructing or modifying any transmission lines. Transmission system studies conducted by Western confirmed that no new transmission lines or upgrades to Western's grid are required. Western's action would not impact any wetlands or floodplains.

Mitigation

Western will employ all practical means to avoid or minimize environmental harm as a result of the connected actions. Western adopts the mitigation measures documented in section 3.4.3.1 of the EIS. These measures include:

- Western or its contractor will exercise care to preserve the natural landscape and will conduct construction operations so as to prevent any unnecessary destruction, scarring, or defacing of the natural surroundings in the vicinity of the work. Except

where clearing is required for permanent works, approved construction roads, or excavation operations, all trees, native shrubbery, and vegetation will be preserved and will be protected from damage by construction operations and equipment.

• All construction equipment and vehicles will be pressure-washed (especially the undercarriage) to remove foreign soil and debris that may introduce weeds into the Project areas.

• If revegetation is required, regionally native plants will be used.

Basis for Decision

Western has determined that the potential environmental impacts from its connected actions, with implementation of the mitigation measures, are expected to be insignificant. Western did not select the No Action alternative because it would not meet the Applicants' objectives. In reaching this decision, Western considered the low environmental impacts in the U.S. from modifying the three substations and construction of one tap facility as connected actions to the Keystone Oil Pipeline Project.

Dated: February 13, 2009.

Timothy J. Meeks,

Administrator

[FR Doc. E9–3655 Filed 2–19–09; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2008–0717; FRL–8401–4]

Agency Information Collection Activities; Proposed Collection; Comment Request; Pressed Wood Manufacturing Industry Survey; EPA ICR No. 2328.01, OMB Control No. 2070–new; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of comment period.

SUMMARY: EPA issued a notice in the **Federal Register** of December 24, 2008, concerning a new Information Collection Request (ICR) entitled: ''Pressed Wood Manufacturing Industry Survey'' and is identified by EPA ICR No. 2328.01 and OMB Control No. 2070–new, on which EPA was soliciting comments. This document extends the comment period for 30 days, from February 23, 2009 to March 25, 2009.

DATES: Comments, identified by docket identification (ID) number EPA–HQ–OPPT–2008–0717, must be received on or before March 25, 2009.

ADDRESSES: Follow the detailed instructions as provided under **ADDRESSES** in the **Federal Register** document of December 24, 2008.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: William Silagi, Economics, Exposure and Technology Division (7406M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–8788; fax number: (202) 564–8893; e-mail address: *silagi.william@epa.gov*.

SUPPLEMENTARY INFORMATION: This document extends the public comment period established in the **Federal Register** of December 24, 2008 (73 FR 79083) (FRL–8393–3). In that document, EPA announced that it is planning to submit a request for a new ICR to the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). The ICR is entitled: ''Pressed Wood Manufacturing Industry Survey'' and is identified by EPA ICR No. 2328.01 and OMB Control No. 2070–new. Before submitting the ICR to OMB for review and approval, EPA was soliciting comments on specific aspects of the proposed information collection. EPA is hereby extending the comment period, which was set to end on February 23, 2009, to March 25, 2009.

To submit comments, or access the public docket, please follow the detailed instructions as provided under **ADDRESSES** in the December 24, 2008 **Federal Register** document. If you have questions, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection, Reporting and recordkeeping requirements.

Dated: January 29, 2009.

James Jones,

Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. E9–2557 Filed 2–19–09; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8590–7]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202–564–7146.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 6, 2008 (73 FR 19833).

Draft EISs

EIS No. 20080072, ERP No. D–IBR–J39038–C0, Southern Delivery System Project, Water Supply Development, Execution of up to 40-year Contracts for Use of Fryingpan-Arkansas Project Facilities, Special Use Permit, El Paso County, CO.

Summary: EPA raised environmental concerns about potential impacts to water quality, including the potential to exacerbate existing water quality impairments to water bodies within the Arkansas River Basin and the lack of mitigation for these impacts. EPA also raised concerns over the potential for increased flooding and erosion due to return flows into Fountain Creek. EPA strongly encouraged Reclamation to include mitigation commitments to offset the water quality impacts in the Final EIS and Record of Decision. Rating EC2.

EIS No. 20080333, ERP No. D–IBR–J39040–CO, Windy Gap Firming Project, Construct a New Water Storage Reservoir to Deliver Water to Front Range and West Slope Communities and Industries, Funding, NPDES and U.S. Army COE Section 404 Permit, Grand and Larimer Counties, CO.

Summary: EPA expressed environmental objections to this proposal because of the potential for the project to worsen water quality in already impaired waters without the assurance of adequate mitigation. EPA also requested additional information regarding impacts to water quality and stream morphology. Rating EO2.

EIS No. 20080343, ERP No. D–FRC–L03014–OR, Jordan Cove Energy and Pacific Connector Gas Pipeline Project, Construction and Operation, Liquefied Natural Gas (LNG) Import

Terminal and Natural Gas Pipeline Facilities, Coos, Douglas, Jackson and Klamath Counties, OR.

Summary: EPA expressed environmental concerns about potential degradation of in-bay resources associated with the preferred alternative pipeline route identified in the DEIS and the level of analysis devoted to key resources. Rating EO2.

EIS No. 20080386, ERP No. D–COE–K39116–CA, SanPedro Waterfront Project, Proposed Specific Development Project and Associated Infrastructure Improvements on Approximately 400 Acres, Currently Operated by Los Angeles Harbor Department (LAHD), Located along the West Side of Los Angeles Harbor's Main Channel, from the Vincent Thomas Bridge to Cabrillo Beach, U.S. Army Section 10 and 404 and Section 103 Marine Protection, Research, and Sanctuaries Act Permits, (MPRSA) City of Los Angeles, CA.

Summary: EPA expressed environmental concerns about significant and unavoidable impacts to air quality and environmental justice communities, and planned ocean disposal of sediments. EPA recommended commitments to conduct an already planned port-wide health risk assessment, coordination with the environmental justice community to identify additional measures to offset health impacts, implementation of a port-wide health impacts assessment to inform mitigation, and identification of beneficial reuse opportunities for sediment. Rating EC2.

EIS No. 20080461, ERP No. D–FRC–B03007–00, Hubline/East to West Project, Proposes to Modify its Existing Natural Gas Transmission Pipeline System in MA, CT, RI and NJ.

Summary: EPA does not object to the proposed project. Rating LO.

EIS No. 20080462, ERP No. D–FRC–K03031–CA, South Feather Power Project, (Project No. 2088–068), Application to Relicense its 104-megawatt, South Fork Feather River, Lost Creek and Slate Creek, Butte, Yuba and Plumas Counties, CA.

Summary: EPA expressed environmental concerns about water quality and construction impacts, and requested additional information on the impacts of climate change on the project and the analysis of cumulative impacts. Rating EC2.

Dated: February 17, 2009.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E9–3661 Filed 2–19–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8590–6]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–1399 or *http: //www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements.

Filed 02/09/2009 Through 02/13/2009 Pursuant to 40 CFR 1506.9.

EIS No. 20090035, Draft EIS, AFS, CA, Tehachapi Renewable Transmission Project, Construct, Operate and Maintain New and Upgraded 500 kV and 220 kV Transmission Lines and Substations, Special Use Authorization, Angeles National Forest, Los Angeles County, CA, Comment Period Ends: 04/06/2009, Contact: Justin Seastrand, 626–574–5278.

EIS No. 20090036, Final EIS, AFS, NM, Glacier Project, To Maintain and Promote Native Vegetation, Communities that are Diverse, Productive, Healthy, Implementation, Superior National Forest, Kawishiwi Ranger District, St. Louis and Lake Counties, MN, Wait Period Ends: 03/23/2009, Contact: Susan Duffy, 218–365–3097.

EIS No. 20090037, Final Supplement, AFS, MN, Echo Trail Area Forest Management Project, Updated Information to Addressing Water Quality and Watershed Health, Superior National Forest, Lacroix Ranger District and Kawishiwi Ranger District, St. Louis and Lake Counties, MN, Wait Period Ends: 03/23/2009, Contact: Carol Booth, 218–666–0020.

EIS No. 20090038, Draft EIS, COE, CA, PROGRAMMATIC—Los Angeles Regional Dredge Material Management Plan, Develop a Long-Term Strategy for Managing Dredged Sediment for all Harbors within the Region, City of Long Beach and County of Los Angeles, CA, Comment Period Ends: 04/13/2009, Contact: Larry Smith, 213–452–3846.

EIS No. 20090039, Draft EIS, AFS, SD, Telegraph Project Area, Proposes to Implement Multiple Resource Management Actions, Northern Hills Ranger District, Black Hills National Forest, Lawrence and Pennington Counties, SD, Comment Period Ends: 04/06/2009, Contact: Chris Stores, 605–642–4622.

EIS No. 20090040, Draft EIS, COE, CA, Natomas Levee Improvement Program Phase 3 Landslides Improvements Project, Issuing of 408 Permission and 404 Permit, Central Valley Flood Control Board, Sutter and Sacramento Counties, CA, Comment Period Ends: 04/06/2009, Contact: Liz Holland, 916–557–6763.

EIS No. 20090041, Final EIS, TVA, TN, Watts Bar Reservoir Land Management Plan, Amend and Update the 2005 Plan, Guide Land Use Approvals, Private Water Use Facility, and Resource Management Decisions, Loudon, Meigs, Rhea and Roane Counties, TN, Wait Period Ends: 03/23/2009, Contact: Richard L. Toennisson, 865–632–8517.

EIS No. 20090042, Final EIS, AFS, MT, Beaverhead-Deerlodge National Forest Land and Resource Management Plan, Implementation, Beaverhead, Butte-Silver Bow, Deerlodge, Granite, Jefferson, and Madison Counties, MT, Wait Period Ends: 03/23/2009, Contact: Leaf Magnuson, 406–683–3950.

EIS No. 20090043, Revised Draft EIS, AFS, CA, Moonlight and Wheeler Fires Recovery and Restoration Project, Analysis of the No-Action and Action Alternatives, Mt. Hough Ranger District, Plumas National Forest, Plumas County, CA, Comment Period Ends: 04/06/2009, Contact: Rich Bednarski, 530–283–7641.

EIS No. 20090044, Draft EIS, IBR, CO, Aspinall Unit Operations—Colorado River Storage Project, Modifying Water Flow Operations, Implementation, Gunnison River, Gunnison, Montrose, Delta, and Mesa Counties, CO, Comment Period Ends: 04/24/2009, Contact: Steve McCall, 970–248–0638.

EIS No. 20090045, Draft EIS, USN, 00, West Coast Basing of the MV–22, Determining Basing Location(s) and Providing Efficient Training Operations, CA, AZ, Comment Period Ends: 04/06/2009, Contact: Doug Gilkey, 619–532–3348.

Amended Notices

EIS No. 20090018, Draft EIS, AFS, ID, Lakeview-Reeder Fuels Reduction Project, Proposed Fuels Reduction and Road Treatment Activities, Idaho Panhandle National Forests, Priest Lake Ranger District, Bonner County, ID, Comment Period Ends: 03/30/2009, Contact: David Cobb, 208–443–2512.

Revision of FR Notice Published 01/30/2009: Extending Comment Period from 03/16/2009 to 03/30/2009.

Dated: February 17, 2009.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E9–3663 Filed 2–19–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0104; FRL–8403–1]

FIFRA Scientific Advisory Panel; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a 4–day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel (FIFRA SAP) to consider and review ''The Ecological Significance of Atrazine Effects on Primary Producers in Surface Water Streams in the Corn and Sorghum Growing Region of the United States (Part II).''

DATES: The meeting will be held on May 12–15, 2009, from 9 a.m. to approximately 5:30 p.m.

Comments. The Agency encourages that written comments be submitted by May 4, 2009, and requests for oral comments be submitted by May 8, 2009. However, written comments and requests to make oral comments may be submitted until the date of the meeting, but anyone submitting written comments after May 4, 2009, should contact the Designated Federal Official (DFO) listed under **FOR FURTHER INFORMATION CONTACT.** For additional instructions, see Unit I.C. of the **SUPPLEMENTARY INFORMATION**.

Nominations. Nominations of candidates to serve as ad hoc members of FIFRA SAP for this meeting should be provided on or before March 6, 2009.

Special accommodations. For information on access or services for individuals with disabilities, and to request accommodation of a disability, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at the Environmental Protection Agency, Conference Center, Lobby Level, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA 22202.

Comments: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2009–0104, by one of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

Instructions. Direct your comments to docket ID number EPA–HQ–OPP–2009–0104. If your comments contain any information that you consider to be CBI or otherwise protected, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** to obtain special instructions before submitting your comments. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

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

Nominations, requests to present oral comments, and requests for special accommodations. Submit nominations to serve as ad hoc members of FIFRA SAP, requests for special seating accommodations, or requests to present oral comments to the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Sharlene Matten, DFO, Office of Science Coordination and Policy (7201M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–0130; fax number: (202) 564–8382; e-mail address: *matten.sharlene@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA), FIFRA, and the Food Quality Protection Act of 1996 (FQPA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

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

When submitting comments, remember to:

1. Identify the document by docket ID number and other identifying

information (subject heading, **Federal Register** date and page number).

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

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

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

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

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

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

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

C. How May I Participate in this Meeting?

You may participate in this meeting by following the instructions in this unit. To ensure proper receipt by EPA, it is imperative that you identify docket ID number EPA–HQ–OPP–2009–0104 in the subject line on the first page of your request.

1. *Written comments*. The Agency encourages that written comments be submitted, using the instructions in **ADDRESSES**, no later than May 4, 2009, to provide FIFRA SAP the time necessary to consider and review the written comments. Written comments are accepted until the date of the meeting, but anyone submitting written comments after May 4, 2009, should contact the DFO listed under **FOR FURTHER INFORMATION CONTACT.** Anyone submitting written comments at the meeting should bring 30 copies for distribution to FIFRA SAP.

2. *Oral comments*. The Agency encourages that each individual or group wishing to make brief oral comments to FIFRA SAP submit their request to the DFO listed under **FOR FURTHER INFORMATION CONTACT** no later than May 8, 2009, in order to be included on the meeting agenda. Requests to present oral comments will be accepted until the date of the meeting and, to the extent that time permits, the Chair of FIFRA SAP may permit the presentation of oral comments at the meeting by interested persons who have not previously requested time. The request should identify the name of the individual making the presentation, the organization (if any) the individual will represent, and any requirements for audiovisual equipment (e.g., overhead projector, 35 mm projector, chalkboard). Oral comments before FIFRA SAP are limited to approximately 5 minutes unless prior arrangements have been made. In addition, each speaker should bring 30 copies of his or her comments and presentation slides for distribution to the FIFRA SAP at the meeting.

3. *Seating at the meeting*. Seating at the meeting will be open and on a first-come basis.

4. *Request for nominations to serve as ad hoc members of FIFRA SAP for this meeting*. As part of a broader process for developing a pool of candidates for each meeting, FIFRA SAP staff routinely solicits the stakeholder community for nominations of prospective candidates for service as ad hoc members of FIFRA SAP. Any interested person or organization may nominate qualified individuals to be considered as prospective candidates for a specific meeting. Individuals nominated for this meeting should have expertise in one or more of the following areas: Aquatic ecology, aquatic community modeling, environmental sampling statistics, environmental monitoring design and exposure assessment, watershed vulnerability assessment, including experience in evaluating chemical run-off potential, and soil science. Nominees should be scientists who have sufficient professional qualifications, including training and experience, to be capable of providing expert comments on the scientific issues for this meeting. Nominees should be identified by name, occupation, position, address, and telephone number. Nominations should be provided to the DFO listed under **FOR FURTHER INFORMATION CONTACT** on or before March 6, 2009. The Agency will consider all nominations of prospective candidates for this meeting that are received on or before this date. However, final selection of ad hoc members for this meeting is a discretionary function of the Agency.

The selection of scientists to serve on FIFRA SAP is based on the function of the panel and the expertise needed to address the Agency's charge to the panel. No interested scientists shall be ineligible to serve by reason of their membership on any other advisory committee to a Federal department or agency or their employment by a Federal department or agency except the EPA. Other factors considered during the selection process include availability of the potential panel member to fully participate in the panel's reviews, absence of any conflicts of interest or appearance of lack of impartiality, independence with respect to the matters under review, and lack of bias. Although, financial conflicts of interest, the appearance of lack of impartiality, lack of independence, and bias may result in disqualification, the absence of such concerns does not assure that a candidate will be selected to serve on FIFRA SAP. Numerous qualified candidates are identified for each panel. Therefore, selection decisions involve carefully weighing a number of factors including the candidates' areas of expertise and professional qualifications and achieving an overall balance of different scientific perspectives on the panel. In order to have the collective breadth of experience needed to address the Agency's charge for this meeting, the Agency anticipates selecting approximately 10–12 ad hoc scientists.

FIFRA SAP members are subject to the provisions of 5 CFR part 2634, Executive Branch Financial Disclosure, as supplemented by the EPA in 5 CFR part 6401. In anticipation of this requirement, prospective candidates for service on the FIFRA SAP will be asked to submit confidential financial information which shall fully disclose, among other financial interests, the candidate's employment, stocks and bonds, and where applicable, sources of research support. EPA will evaluate the candidates financial disclosure form to assess whether there are financial conflicts of interest, appearance of a lack of impartiality or any prior involvement with the development of the documents under consideration (including previous scientific peer review) before the candidate is considered further for service on FIFRA SAP. Those who are selected from the pool of prospective candidates will be asked to attend the public meetings and to participate in the discussion of key issues and assumptions at these meetings. In addition, they will be asked to review and to help finalize the meeting minutes. The list of FIFRA SAP members participating at this meeting will be posted on the FIFRA SAP website at *http://www.epa.gov/scipoly/sap* or may be obtained from the OPP Regulatory Public Docket at *http://www.regulations.gov*.

II. Background

A. Purpose of FIFRA SAP

FIFRA SAP serves as the primary scientific peer review mechanism of EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) and is structured to provide scientific advice, information and recommendations to the EPA Administrator on pesticides and pesticide-related issues as to the

impact of regulatory actions on health and the environment. FIFRA SAP is a Federal advisory committee established in 1975 under FIFRA that operates in accordance with requirements of the Federal Advisory Committee Act. FIFRA SAP is composed of a permanent panel consisting of seven members who are appointed by the EPA Administrator from nominees provided by the National Institutes of Health and the National Science Foundation. FIFRA, as amended by FQPA, established a Science Review Board consisting of at least 60 scientists who are available to the SAP on an ad hoc basis to assist in reviews conducted by the SAP. As a peer review mechanism, FIFRA SAP provides comments, evaluations and recommendations to improve the effectiveness and quality of analyses made by Agency scientists. Members of FIFRA SAP are scientists who have sufficient professional qualifications, including training and experience, to provide expert advice and recommendation to the Agency.

B. Public Meeting

The Interim Risk Assessment Eligibility Document (IRED) for atrazine in 2003 presented the results of an ecological risk assessment that identified the potential for community and population risk to sensitive aquatic species. As a condition of reregistration, the atrazine registrants were required to develop a monitoring program to determine the extent to which atrazine concentrations associated with corn and sorghum production may be exceeding levels that could cause effects to aquatic communities. Forty watersheds out of a potential 1,172 representing high atrazine use locations most vulnerable to atrazine runoff were selected for monitoring using a stratified, random statistical survey design. Sampling within these watersheds began in 2004 and is ongoing in selected watersheds. The Agency intends to evaluate the results of the atrazine monitoring study in order to identify the characteristics of those watersheds that resulted in atrazine exposures that exceeded the Agency's level of concern (LOC) and to extrapolate those results to other non-monitored locations to determine where other exceedences of the LOC may occur.

In December 2007, the Agency presented to the SAP the use of the Comprehensive Aquatic Systems Model (CASM) as a tool to determine a LOC that relates time variable monitoring data to effects identified in a series of microcosm and mesocosm studies which were used in the original atrazine (IRED) assessment. In addition, the Agency presented an approach on how to identify other potential sites outside of the 40 that were monitored based on similar use, watershed vulnerability and other factors. The SAP recommended that the Agency make the population time series more realistic in the CASM_Atrazine model, provide a better validation of this model, and perform a more comprehensive sensitivity analysis. In May 2009, the Agency will present evaluations of the applicability of a revised CASM_Atrazine model to freshwater atrazine risk assessments and reasons for deciding not to proceed with further development and application of this model. A simpler alternative to the CASM-based approach will be presented for relating surface water monitoring data to the microcosm and mesocosm data. Other issues presented will include a revised assessment of the microcosm and mesocosm exposure profiles, an update on the monitoring program results, interpretation of the surface water monitoring results with both the revised CASM and the alternative approach, identification of the watershed factors driving atrazine runoff, and extrapolation of those results to the entire atrazine use area to identify other areas where atrazine exposures may exceed the levels of concern. Finally, EPA's Office of Water is examining statistical alternatives for expressing the model results as a numeric criterion applicable to potentially sparse data sets typical of what is often available for water bodies.

C. FIFRA SAP Documents and Meeting Minutes

EPA's background paper, related supporting materials, charge/questions to FIFRA SAP, FIFRA SAP composition (i.e., members and ad hoc members for this meeting), and the meeting agenda will be available by April 27, 2009. In addition, the Agency may provide additional background documents as the materials become available. You may obtain electronic copies of these documents, and certain other related documents that might be available electronically, at *http://www.regulations.gov* and the FIFRA SAP homepage at *http://www.epa.gov/scipoly/sap*.

FIFRA SAP will prepare meeting minutes summarizing its recommendations to the Agency approximately 90 days after the meeting. The meeting minutes will be posted on the FIFRA SAP website or may be obtained from the OPP Regulatory Public Docket at *http://www.regulations.gov*.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 12, 2009.

Frank Sanders,

Director, Office of Science Coordination and Policy.

[FR Doc. E9–3502 Filed 2–19–09; 8:45 a.m.]

BILLING CODE 6560–50–S

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Notice: Sunshine Meeting

DATE AND TIME: Wednesday, February 25, 2009, 10 a.m. Eastern Time.

PLACE: Commission Meeting Room on the First Floor of the EEOC Office Building, 131 ''M'' Street, NE., Washington, DC 20507.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Open Session:

1. Announcement of Notation Votes, and
2. NPRM to Implement Title II of the Genetic Information Non-Discrimination Act of 2008.

Note: In accordance with the Sunshine Act, the meeting will be open to public observation of the Commission's deliberations and voting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions.) Please telephone (202) 663–7100 (voice) and (202) 663–4074 (TTY) at any time for information on these meetings. The EEOC provides sign language interpretation at Commission meetings for the hearing impaired. Requests for other reasonable accommodations may be made by using the voice and TTY numbers listed above.

FOR FURTHER INFORMATION CONTACT: Stephen Llewellyn, Executive Officer on (202) 663–4070.

Dated: This Notice Issued February 17, 2009.

Stephen Llewellyn,

Executive Officer Executive Secretariat.

[FR Doc. E9–3672 Filed 2–19–09; 8:45 am]

BILLING CODE 6570–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Notices

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday, February 24, 2009, and Wednesday, February 25, 2009 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. E9–3482 Filed 2–18–09; 11:15 am]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

Notice: Sunshine Act

TIME AND DATE: February 11, 2009–10 a.m.

PLACE: 800 North Capitol Street, NW., First Floor Hearing Room, Washington, DC.

STATUS: A portion of the meeting will be in Open Session and the remainder of the meeting will be in Closed Session.

MATTERS TO BE CONSIDERED:

Open Session

1. Docket No. 02–15 Passenger Vessel Financial Responsibility—Request of Commissioner Brennan.
2. Foreign Travel Authorization for the 2009 Global Liner Shipping Conference.
3. 2008 Funding for Purchase and Installation of Media Equipment for Commission Offices.
4. 2008 Federal Human Capital Survey Results.

Closed Session

1. Docket No. 02–04: *Anchor Shipping Co.* v. *Alianca Navegacao e Logistica Ltda et al.*
2. FMC Agreement No. 201199: Port Fee Services Agreement.
3. Internal Administrative Practices and Personnel Matters.

CONTACT PERSON FOR MORE INFORMATION: Karen V. Gregory, Secretary, (202) 523–05725.

Karen V. Gregory,

Secretary.

[FR Doc. E9–3810 Filed 2–18–09; 4:15 pm]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. 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 the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 9, 2009.

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

1. Garnavillo Bank Corporation, to acquire GSB Agency, both of Garnavillo, Iowa, and thereby engage in insurance activities in towns with less than 5,000 in population, pursuant to section 225.28(b)(11)(iii)(A) of Regulation Y.

Board of Governors of the Federal Reserve System, February 17, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–3635 Filed 2–19–09; 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 (''Commission'' or ''FTC'').

ACTION: Notice.

SUMMARY: The FTC plans to conduct a consumer study to evaluate alternatives to the current disclosures required for most consumer lamp (*i.e.*, light bulb) products. The Commission is examining the effectiveness of current light bulb package labeling as directed by Congress. Before conducting this study, the FTC is seeking public comments on the proposed study pursuant to the Paperwork Reduction Act (''PRA'').

DATES: Comments must be received on or before March 23, 2009.

ADDRESSES: The Commission invites interested parties to submit written comments electronically or in paper form. Comments should refer to ''Lamp Labeling Study, Project No. P084206'' 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 FTC 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://secure.commentworks.com/ftc-lampstudy*) (and following the

[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).

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-lampstudy*). 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.

A comment filed in paper form should include the reference ''Lamp Labeling Study, Project No. P084206'' 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 requests 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.

All comments should additionally be submitted to: Office of Information and Regulatory Affairs of OMB, 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 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: Hampton Newsome, Attorney, 202-326-2889, or Lemuel Dowdy, Attorney, 202-326-2981, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission.

SUPPLEMENTARY INFORMATION:

I. Background

The FTC's current rules require disclosure of energy use (in watts), light output (in lumens), and life (in hours) on packaging for most consumer lamp (light bulb) products.[2] In the Energy Independence and Security Act of 2007,[3] Congress directed the FTC to consider the effectiveness of these lamp labeling requirements[4] and alternative labeling disclosures. In particular, the Act calls on the Commission to consider whether alternative labeling approaches will help consumers better understand new high-efficiency lamp products and help them choose lamps that meet their needs.

As a first step toward fulfilling this mandate, the Commission published an Advance Notice of Proposed Rulemaking on July 18, 2008 (73 FR 40988) that provided background about current FTC labeling rules for light bulbs, the recent Congressional mandate, the purpose of the FTC labeling requirements, and various labeling considerations. In the Notice and at a public roundtable held on September 15, 2008, the Commission sought comment concerning the effectiveness of current labeling requirements, as well as whether labeling alternatives would help consumers in their purchasing decisions. Specifically, the Commission asked for comment on whether lamp packages should disclose characteristics such as lamp brightness, energy use, operating cost, color temperature, and lamp life. FTC staff, through its contractor, also asked a consumer focus group about various attributes of light bulb labels.[5]

The Commission also requested that commenters provide consumer research related to lighting disclosures. However, no commenters submitted or identified any recent, comprehensive consumer research. The Commission, therefore, is planning to conduct a consumer research study to aid in determining what revisions, if any, it should make to existing labeling requirements. The Commission announced this consumer research effort in a December 1, 2008 notice (73 FR 72800). The Commission received no comments in response to that notice. The Commission will use the results of these consumer research results, along with other information gathered through the roundtable and written comments, to develop proposed changes to current lamp labeling requirements. This Notice provides additional details about the proposed research, an estimate of the burden hours associated with the collection of information for that activity, and an invitation for comment on these issues.

II. FTC's Proposed Consumer Study

The FTC proposes to collect information from consumers to gather data on the effectiveness of current lamp labels and alternative label designs. The proposed study will involve a sample of approximately 5,600 respondents who are at least 18 years old and recent or likely future light bulb purchasers.[6] The FTC and its contractor will administer questions to the respondents online over the Internet.[7] The study will employ standard consumer survey methodologies, including copy testing and choice experiments, to explore how different label designs impact consumer decision-making regarding the purchase of light bulb products. The study will allow the FTC to explore the performance of various label formats, the labeling preferences of the respondents, and their understanding of relevant lighting concepts.

The study will use a basic label design that includes certain information disclosures on the front of the package, as well as more comprehensive label disclosures on the rear or side panel (see sample labels at the end of this Notice). The test labels on the front of the package will include four (or fewer) disclosures: light output (or ''brightness''), energy (*e.g.*, efficiency, cost), life, and color temperature. The study will explore different approaches for making these disclosures. For instance, we will test respondents'

[2] *See* 16 CFR Part 305.

[3] *See* Section 321(b) of the Energy Independence and Security Act of 2007 (Pub. L. 110-140 (§ 324(a)).

[4] The current requirements do not impose a uniform disclosure format. Instead, the labeling requirements provide manufacturers flexibility regarding the size, font, and style in which the information is presented. *See* 16 CFR Part 305.

[5] A report on the seven-person focus group, prepared by FTC's contractor, Synovate, Inc., is available at (*http://www.ftc.gov/os/comments/lightbulbs/index.shtm*).

[6] The FTC expects to study a stratified sample of the adult United States population that is broadly representative of consumer group attributes (*e.g.*, geographic location, housing characteristics, gender, age, education, and race/ethnicity) based on the most recent Census Bureau's Current Population Survey and the Department of Energy's Residential Energy Consumption Survey. The contractor will identify respondents using any relevant, preexisting data in its Internet panel database and any necessary additional screener questions. The screener questions will help to ensure that the demographic composition of the sample reasonably matches that of the target population. Allowing for non-responses, up to approximately 15,000 respondents will answer screener questions. This number of respondents should enable the FTC to obtain its target sample size of 5,600 individuals.

[7] The FTC also will pretest the study on approximately 25 individuals to ensure that all questions are understood. The pretest participants will be drawn from the target population.

perception of energy use disclosures displayed in the form of annual energy (operating) cost, luminous efficacy (lumens/watt), and a five-star rating system. Table 1 below contains the list of variations to be tested. Given the small size of light bulb packaging and the associated space constraints, the information that can be included on the front of the package is limited. Therefore, we are not testing complex scales or similar graphical formats that would not fit easily on the front display panel. The test label design will also include a ''Lighting Facts'' label on the rear or side panel. This ''Lighting Facts'' label is similar in appearance to the ''Nutrition Facts'' label required by the Food and Drug Administration. The label drafted for this study includes a variety of information disclosures such as brightness, life, energy use in watts, voltage, luminous efficacy, and energy cost.[8]

As discussed in more detail below, the study will assign respondents into groups (*i.e.*, cells), each of which will be assigned a different label design (*i.e.*, treatment). The study will use approximately six to twelve hypothetical test light bulbs, each with different performance characteristics such as brightness, energy use, life, and color temperature. While each cell will answer the questionnaire while reviewing disclosures for all hypothetical bulbs, the label treatment will vary. The underlying questions for every respondent, however, will remain the same regardless of which label treatment they view.

A. Label Variations

The study will arrange respondents into 15 to 20 cells of approximately 300 respondents each. Respondents in each cell will view one of 15 to 20 randomly-assigned treatments. For example, one group will answer the questionnaire while viewing labels displaying the current disclosure format, while another group will view labels with an alternative format.

Examples of the variables we will use to create the treatments appear in Table 1 below, and include:

Color Temperature: The study will explore three principal ways of communicating color temperature on the front package panel. One approach involves the use of standard terms to describe color temperature such as ''soft white'' and ''daylight.'' The terms used in the study are consistent with those in existing industry consensus standards and also previous ENERGY STAR efforts.[9] The second approach will include a label that provides information on color temperature through six color-coded boxes, similar to a system considered in previous consumer research.[10] The third approach will include a basic ''Cool-Warm'' scale as illustrated in Example Label C at the end of this Notice. In addition to these three approaches on the front package panel, the ''Lighting Facts'' label, on the back panel will include information about color temperature (*e.g.*, 2700 K).

Five-Star Efficiency Rating: The study will include some label designs that display a five-star rating system for energy efficiency as suggested by several commenters.[11] In assigning ratings to the test models, the study uses the rating system proposed by the Natural Resources Defense Council (NRDC).[12]

Yearly Energy Cost Information: The front package panel for some treatments will include a yearly energy cost estimate based on a 2008 national average residential electricity cost of 10.8 cents/kWh and a usage rate of 3 hours per day.[13]

Watt-Equivalent Information: Several treatments will include information on the rear-panel ''Lighting Facts'' label that provides the brightness (in lumens) of typical incandescent bulbs at various wattages. This wattage-equivalent numbers are consistent with information provided by the ENERGY STAR program.[14]

TABLE 1 - EXAMPLES OF LABEL VARIABLES

Location/Descriptor	Variable	Variable	Variable	Variable
Front Panel-Light Output	Light Output in lumens	Brightness in lumens		
Front Panel-Energy	Annual energy costs	Energy efficiency in lumens/watt	Energy efficiency based on 5-star rating	Energy use in watts
Front Panel-Life	Life in years	Life in hours		

[8] A ''Lighting Facts'' label also could contain additional information such as voluntary disclosures provided by the manufacturer (*e.g.*, minimum starting temperature), and other information mandated by state or federal requirements (*e.g.*, hazardous content disclosures or information required by the Federal Communications Commission). However, because such voluntary disclosures and state or federally mandated disclosures will vary by manufacturer and lamp technology, we are not including any such disclosures on the test labels.

[9] The color temperature descriptors used in the study are based on ANSI C78.376-2001 and draft ''ENERGY STAR Program Requirements for CFLs [Compact Fluorescents]'' (Fourth Draft, Feb. 27, 2007) (*http://www.energystar.gov/ia/partners/prod_development/revisions/downloads/cfls/Criteria_CFLs_Version4.0_draft4.pdf*). The Consortium for Energy Efficiency also suggested such a system in their comments. *See* (*http://www.ftc.gov/os/comments/lightbulbs/536795-00011.pdf*). The descriptors are as follows: 2700K (''Soft White''), 3000K (''Warm White''), 3500K (''White''), 4100K (''Cool White''), 5000K (''Natural'') and 6500K (''Daylight'').

[10] Leslie, R., and Rea, M., ''A System for Communicating Color: What Do Consumers Think,'' Lighting Research Center, Rensselaer Polytechnical Institute (*http://www.lrc.rpi.edu/programs/lightingTransformation/colorCommunication/pdf/whatDoConsumersThink.pdf*). The study was conducted with funding from the Department of Energy and Environmental Protection Agency.

[11] For example, *see* Natural Resources Defense Council comments (*http://www.ftc.gov/os/comments/lightbulbs/536795-00003.pdf*); American Council for an Energy-Efficient Economy comments (*http://www.ftc.gov/os/comments/lightbulbs/536795-00012.pdf*); and Joint Comments from Pacific Gas and Electric Company, Southern California Edison, Sempra Energy Utilities, and Ecos Consulting comments (*http://www.ftc.gov/os/comments/lightbulbs/536795-00010.pdf*).

[12] *See* NRDC comments (*http://www.ftc.gov/os/comments/lightbulbs/536795-00003.pdf*). In particular, we have consulted NRDC's proposed ''Curved Efficacy Boundaries'' system as illustrated in Appendix 1 of its comments. This rating system relies on luminous efficacy (lumens/watt) weighted by lumens to create five efficiency categories for lamps. For example, under this system, a typical incandescent (60-watts, 800 lumens) receives 1 star; a typical compact fluorescent (CFL) bulb (13 watts, 800 lumens) receives 4 stars; and a typical LED (light-emitting diode) bulb (7 watts, 800 lumens) receives 5 stars.

[13] *See* 73 FR 11406 (March 3, 2008) (DOE national average energy cost figures for 2008). Similarly, yearly bulb life information in the study will be based on a usage rate of 3 hours per day.

[14] *See* ENERGY STAR information at (*http://www.energystar.gov/index.cfm?c=cfls.pr_cfl*) (*e.g.*, 800 lumens=60-watt incadenscent; 1110 lumens=75-watt incandescent). The disclosures of such ''watt-equivalence'' (*i.e.*, the light output expressed by reference to the energy use of standard incandescent bulbs) is currently standard practice on CFL packages as manufacturers seek to help consumers understand the light output of CFLs in the context of an incandescent bulb's energy use. Due to space constraints, the study will not test such information on the front panel. We anticipate, however, that, regardless of any final FTC labeling requirements, manufacturers of CFL's will continue to provide information about watt-equivalence on their packaging as long as such information is useful to consumers.

TABLE 1 - EXAMPLES OF LABEL VARIABLES—Continued

Location/Descriptor	Variable	Variable	Variable	Variable
Front Panel-Color Temperature	Word descriptor (*e.g.*, "soft white""daylight")	Six colored-coded boxes	Cool-Warm Scale	
Rear Panel	"Lighting Facts" label with watt equivalent information	"Lighting Facts" label without watt equivalent information	No information on rear panel	

B. Test Lamp Models

The study will employ six to twelve different hypothetical lamp models, each with different brightness, energy use, life, and color temperature characteristics. Several of these hypothetical models will be marked as ENERGY STAR products where the hypothetical criteria meet the ENERGY STAR criteria. The various characteristics of several hypothetical models appear in Table 2. Because we are considering a labeling approach that will convey uniform information to consumers regardless of the bulb type, the hypothetical labels will not identify the technology of the enclosed lamp (*e.g.*, incandescent, compact fluorescent, or solid-state). However, the hypothetical characteristics (*e.g.*, lumens, energy use, and life) of the test models will be consistent with the characteristics of available bulb technologies.

TABLE 2 - EXAMPLES OF TEST MODELS

	Lumens	Watts	Life in hours	Life in years	Yearly Energy Cost	5 Star Energy Rating	ENERGY STAR	Lumens/ Watt	Color Temp (in K)	Color Temp (name)
	870	13	6000	5.5	$1.54	4	Yes	67	2700	Soft White
	870	7	50000	45.7	$0.83	5	Yes	124	2700	Soft White
	820	60	1500	1.4	$7.10	1	No	14	2700	Soft White
	1690	100	750	0.7	$11.83	2	No	17	2700	Soft White
	1750	26	6000	5.5	$3.07	4	Yes	68	2700	Soft White
	1500	23	10000	9.1	$2.72	4	Yes	65	3500	White
	1199	20	10000	9.1	$2.37	4	No	60	6500	Daylight
	870	13	6000	5.5	$1.54	4	Yes	67	4100	Cool White
	825	13	6000	5.5	$1.54	4	Yes	63	6500	Daylight

C. Questionnaire

All respondents will answer a single series of questions about the characteristics of the products described in the labels and their preferences pertaining to those products. The questionnaire also will seek information about respondents' understanding of different lighting concepts such as lumens (*i.e.*, light output) and color temperature (*i.e.*, the color characteristics of a light source). Finally, the study will seek to gauge whether respondents have preferences regarding how certain types of information are communicated.[15]

Specifically, the issues to be addressed by the questionnaire include:

Usefulness of current labeling: For some treatments, respondents who are recent lamp purchasers will answer questions about whether they can remember seeing information on light bulb packages and the usefulness of that information in their purchasing decisions.

Brightness (Light Output): Respondents will answer questions about the brightness (*i.e.*, light output) of different lamps after viewing different package labels.

Energy Use: Respondents will answer questions about the relative energy use of different products after viewing side-by-side comparisons of their packaging.

Color temperature: Respondents will answer questions about the correlated color temperature of different lamps (*i.e.*, the light emitted by different lamps) after viewing different package labels.

ENERGY STAR interaction: Respondents will be asked to identify ENERGY STAR lamps after comparing different lamp labels.[16]

Credibility questions: Respondents will be asked whether they find certain information on packages believable.

Willingness to pay questions: Respondents will provide information on their willingness to pay for models of varying energy use.

Quality perception questions: Respondents will be asked questions related to possible quality differences between bulbs that use different amounts of energy. In particular, the study will explore whether respondents incorrectly interpret certain types of energy use disclosures

[15] The study also will contain questions related to respondents' experiences with current light bulb labels.

[16] For the purposes of the study, it will be assumed that high efficiency bulbs consistent with LED performance qualify for ENERGY STAR even though the ENERGY STAR program has not finalized criteria for LED bulbs at this time.

as indicia of product quality (*e.g.*, workmanship, performance).

Usefulness of disclosures: Respondents will be asked to gauge the usefulness of different types of information (*e.g.*, life, color temperature, etc.) in their purchasing decisions.

Usefulness of disclosure formats: Respondents will answer questions about whether they find specific types of disclosures useful (*e.g.*, energy cost, five-stars, or lumens/watt).

The study results will allow the FTC to compare the effectiveness of various label approaches. In analyzing the results, the FTC will conduct a statistical comparison of respondent answers across different test label components. If there are differences in accuracy rates for particular label approaches, the direction and statistical significance of these differences will aid the FTC in assessing whether one type of label design is more comprehensible than alternative designs. The FTC will use the study results in conjunction with other information generated during this rulemaking proceeding to develop and propose changes to existing labeling requirements, if such changes are warranted.

III. Estimated Burden Hours[17]

The Commission estimates that the cumulative total burden hours for the study will be approximately 2,972 hours. This total estimate is derived as follows. First, the FTC plans to conduct a pretest of 25 persons that will take approximately 30 minutes on average per person, resulting in approximately 13 burden hours (25 respondents x 30 minutes). Second, once the pretest is complete, the FTC and its contractor will ask screener questions of approximately 15,000 respondents in order to obtain the FTC's target sample size of 5,600 individuals. The FTC estimates that it will take respondents one minute to respond to the screener questions. Thus, the total burden related to the screener questions will be approximately 250 hours (15,000 respondents x 1 minute). Finally, those respondents who pass the screener questions will answer the entire questionnaire. Using a conservative estimate of 6,500 individuals,[18] the FTC further estimates that participating in the study will require an additional 2,709 hours (6,500 respondents x 25 minutes). Finally, the cost per respondent should be negligible. Participation is voluntary and will not require start-up, capital, or labor expenditures by respondents.

IV. Request for Comment

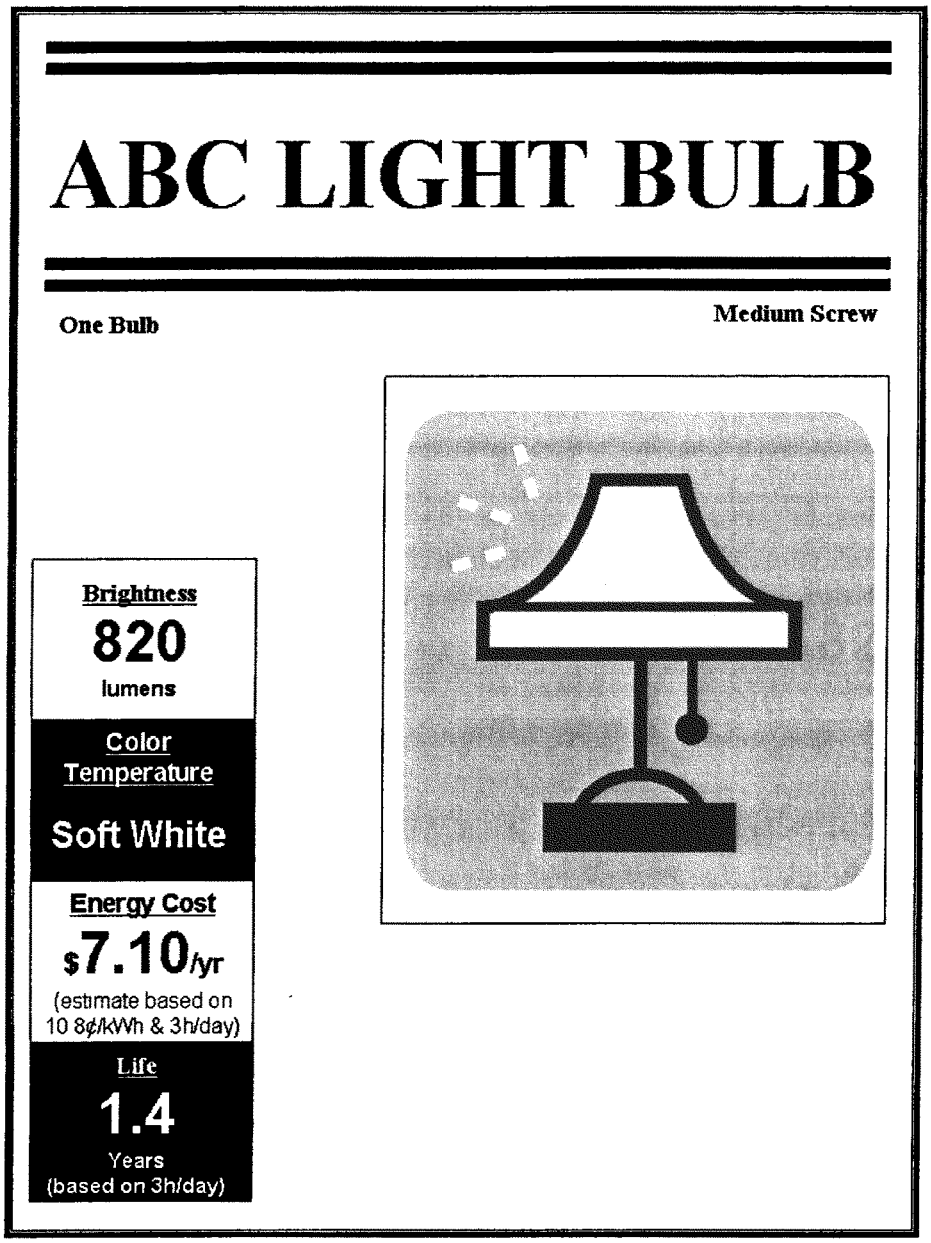
As required by Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3501-3521, the FTC is providing this opportunity for public comment before requesting Office of Management and Budget (''OMB'') approval of information collection activities associated with the study. Under the PRA, federal agencies must obtain OMB approval for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c).

Specifically, the FTC invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the FTC, including whether the information will have practical utility; (2) the accuracy of the FTC's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of collecting information on those who 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. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before March 23, 2009.

BILLING CODE 6750–01–S

[17] Fractional hours are rounded up to the next whole number.

[18] Although the target sample is 5,600 individuals, the procedures used by the contractor may result in the collection of information from a slightly higher number of individuals.



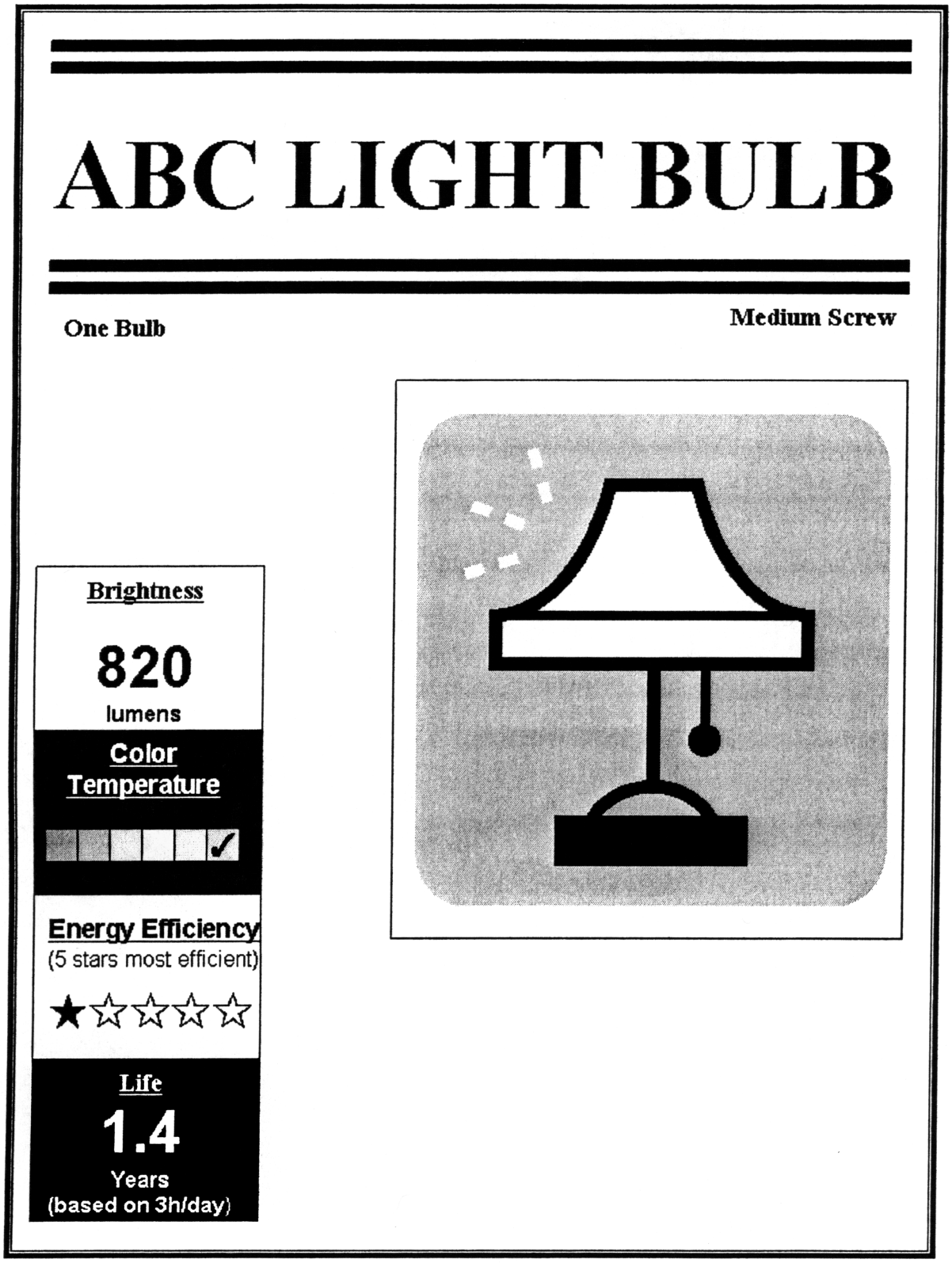
EXAMPLE LABEL A - Front Panel

Lighting Facts
Per Bulb

Brightness	**820 lumens**
Comparing Lumens? (typical equivalence) 800 lumens = 60 watt incandescent bulb 1110 lumens = 75 watt incandescent bulb 1600 lumens = 100 watt incandescent bulb	
Yearly Energy Costs (based on 3hrs/day and 10.8 ¢/kWh) (your actual cost will depend on your rates and use)	**$7.10**
Color Temperature	**2700 K** (soft white)
Life in years (based on 3 hrs/day)	**1.4 yrs**
Life in hours	**1,500 hrs**
Voltage	**120 volts**
Energy Use	**60 Watts**
Energy Efficiency (luminous efficacy)	**14 lumens/ watt**

ABC Light Bulbs
22 8th Street
Middletown, IN

EXAMPLE LABEL A - REAR PANEL



EXAMPLE LABEL B - FRONT PANEL

Lighting Facts
Per Bulb

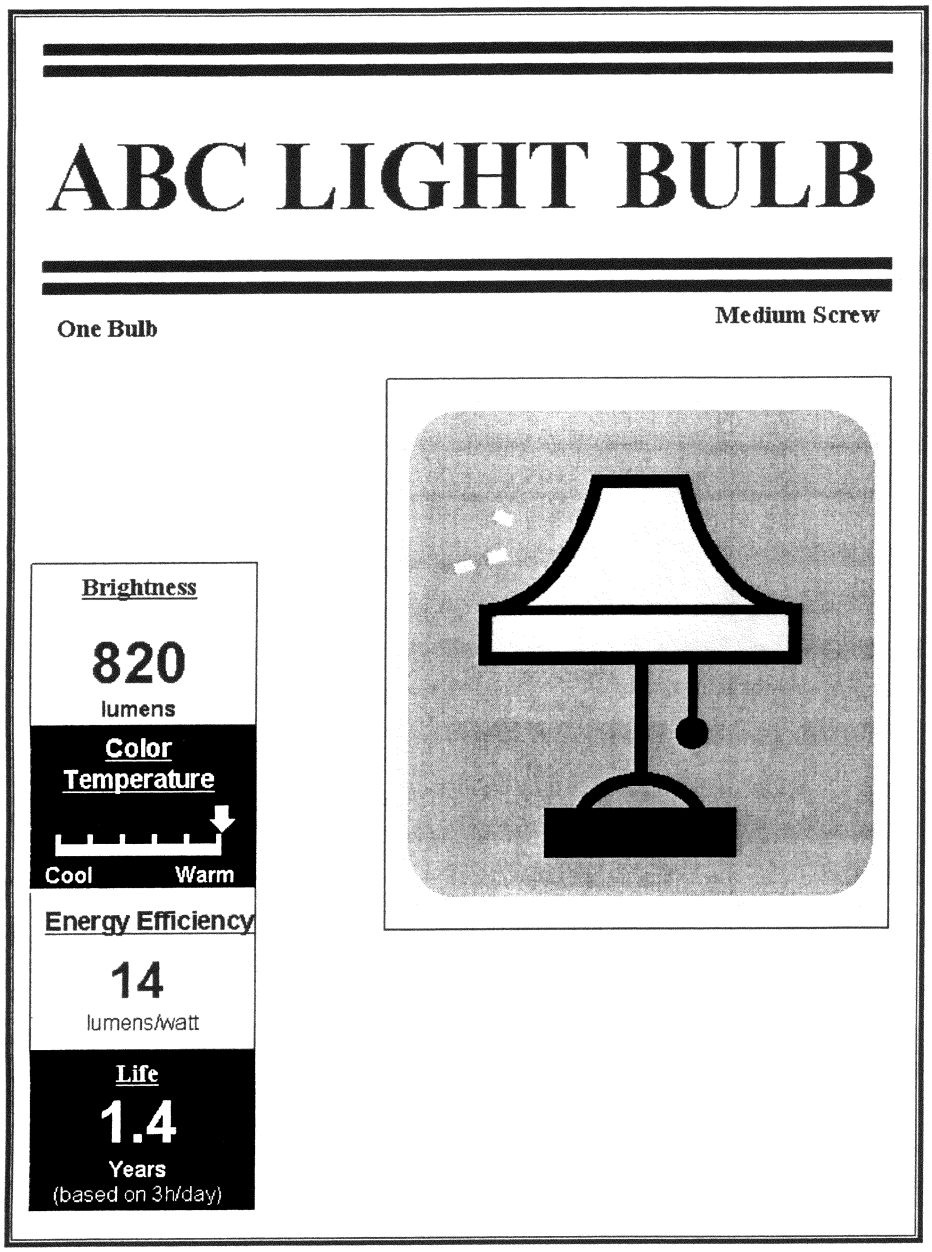
Brightness	**820 lumens**

Comparing Lumens? (typical equivalence)
800 lumens = 60 watt incandescent bulb
1110 lumens = 75 watt incandescent bulb
1600 lumens = 100 watt incandescent bulb

Yearly Energy Costs (based on 3hrs/day and 10.8 ¢/kWh) (your actual cost will depend on your rates and use)	**$7.10**
Energy Efficiency (5 stars most efficient)	★☆☆☆☆
Color Temperature	**2700 K**
Life in years (based on 3 hrs/day)	**1.4 yrs**
Life in hours	**1,500 hrs**
Voltage	**120 volts**
Energy Use	**60 Watts**
Energy Efficiency (luminous efficacy)	**14 lumens/ watt**

ABC Light Bulbs
22 8th Street
Middletown, IN

EXAMPLE LABEL B - REAR PANEL



EXAMPLE LABEL C - FRONT PANEL

Lighting Facts
Per Bulb

Brightness	**820 lumens**
Comparing Lumens? (typical equivalence) 800 lumens = 60 watt incandescent bulb 1110 lumens = 75 watt incandescent bulb 1600 lumens = 100 watt incandescent bulb	
Yearly Energy Costs (based on 3hrs/day and 10.8 ¢/kWh) (your actual cost will depend on your rates and use)	**$7.10**
Color Temperature	**2700 K**
Life in years (based on 3 hrs/day)	**1.4 yrs**
Life in hours	**1,500 hrs**
Voltage	**120 volts**
Energy Use	**60 Watts**
Energy Efficiency (luminous efficacy)	**14 lumens/ watt**

ABC Light Bulbs
22 8th Street
Middletown, IN

EXAMPLE LABEL C - REAR PANEL

David C. Shonka
Acting General Counsel
[FR Doc. E9–3645 Filed 2–19–09: 8:45 am]
BILLING CODE 6750–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–08–0494]

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

Exposure to Aerosolized Brevetoxins during Red Tide Events (OMB No. 0920–0494)—Reinstatement with change—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Karenia brevis (formerly *Gymnodinium breve*) is the marine dinoflagellate responsible for extensive blooms (called Florida red tides) that form in the Gulf of Mexico. *K. brevis* produces potent toxins, called brevetoxins, which have been responsible for killing millions of fish and other marine organisms. The biochemical activity of brevetoxins is not completely understood and there is still little information regarding human health effects from environmental exposures, such as inhaling brevetoxin that has been aerosolized and swept onto the coast by offshore winds. The National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC) has recruited people who work along the coast of Florida and who are periodically occupationally exposed to aerosolized red tide toxins.

NCEH administered a baseline respiratory health survey and conducted pre- and post-shift pulmonary function tests (PFTs) during a time when there is no red tide reported near the area. When a red tide developed, NCEH administered a symptom survey and conducted PFTs. NCEH compared symptoms reported before the shift with symptoms reported after the shift. NCEH also examined changes in PFT test results (post-shift values compared to pre-shift values). NCEH did these comparisons during a time when there was no red tide and during a time when there was a red tide and then examined the data to see if red tide exposure had an effect on symptom reports or PFT results.

NCEH requests a reinstatement with change of data collection procedures for the previously approved project for an additional three years. The respondents for this reinstatement with change are a recruited group of approximately 25 lifeguards (aged ≥18) who work along the coast of Florida and who periodically are occupationally exposed to aerosolized red tide toxins. The lifeguards and employees of the Department of Environmental Protection, (Sarasota County), Florida were recruited via a posted notice requesting volunteers. NCEH plans to re-contact study participants previously enrolled and add additional lifeguards hired previously to work at the relevant beaches.

Unfortunately, the exposures experienced by the study cohort have been minimal, and NCEH plans to conduct another study (using the same symptom surveys and PFTs) during a more severe red tide event. First, NCEH wants to quantify the levels of cytokines in nasal exudates to assess whether they can be used to verify exposure and to demonstrate a biological effect (i.e., allergic response) following inhalation of aerosolized brevetoxins. NCEH will collect nasal exudates at the same time the PFTs are done. We propose to add a component to this study to assess whether loratidine, an antihistamine available in over-the-counter products, such as Claritin, can relieve the upper respiratory symptoms induced by inhaling aerosolized brevetoxins during Florida red tides.

There is no cost to respondents other than their time. The total estimated annual burden hours are 16.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Instrument type	No. of respondents	No. of responses per respondent	Average burden per response (in hours)
New study participants	Pulmonary Health Questionnaire	10	1	20/60
Lifeguards (previous participants and new).	Pre- and Post-Shift Red Tide Questionnaire.	25	6	5/60

Dated: February 12, 2009.

Maryam I. Daneshvar,

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

[FR Doc. E9–3651 Filed 2–19–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–09–0762]

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 Daneshvar, Acting CDC Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Formative Research to Inform an HIV Testing Social Marketing Campaign for African American Men Who Have Sex With Men (MSM), (OMB No. 0920–0762)—Revision—National Center for HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Elimination Programs (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The purpose of the proposed study is to conduct formative research to inform the development of the HIV Testing Social Marketing Campaign for African American MSM, a CDC-sponsored social marketing campaign aimed at increasing HIV testing rates among young, African

American MSM. The study entails conducting interviews with a sample of African American MSM, ages 18 to 44 to: (1) Explore participants' knowledge, attitudes and beliefs about HIV and HIV testing to inform the development of campaign messages; (2) identify the most motivating approach, supporting data, and key messages for materials development; (3) test creative concepts, potential campaign themes, logos and names; and (4) test creative materials developed based on the findings from the previous phases of the research. Findings from this study will be used by CDC and its partners to inform current and future program activities.

A total of 288 participants will be screened for eligibility in order to find 144 people who will participate in an interview. All interview participants (n=144) will complete a short ''Paper and Pencil'' questionnaire. There are no costs to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN TABLE

Types of data collection	No. of respondents	No. of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Screener	288	1	10/60	48
Consent Form	144	1	5/60	12
Interview	144	1	1	144
Paper and Pencil Survey	144	1	10/60	24
Total				228

Dated: February 13, 2009.

Maryam I. Daneshvar,

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

[FR Doc. E9–3654 Filed 2–19–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–09–0762]

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 Daneshvar, Acting CDC Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Formative Research to Inform an HIV Testing Social Marketing Campaign for African American Men Who Have Sex With Men (MSM), (OMB No. 0920–0762)—Revision—National Center for HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Elimination Programs (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The purpose of the proposed study is to conduct formative research to inform the development of the HIV Testing Social Marketing Campaign for African American MSM, a CDC-sponsored social marketing campaign aimed at increasing HIV testing rates among young, African American MSM. The study entails conducting interviews with a sample of African American MSM, ages 18 to 44 to: (1) Explore participants' knowledge, attitudes and beliefs about HIV and HIV testing to inform the development of campaign messages; (2) identify the most motivating approach, supporting data, and key messages for materials development; (3) test creative concepts, potential campaign themes, logos and names; and (4) test creative materials developed based on the findings from the previous phases of the research. Findings from this study will be used by CDC and its partners to inform current and future program activities.

A total of 288 participants will be screened for eligibility in order to find 144 people who will participate in an interview. All interview participants (n=144) will complete a short ''Paper and Pencil'' questionnaire. There are no costs to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN TABLE

Types of data collection	No. of respondents	No. of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Screener	288	1	10/60	48
Consent Form	144	1	5/60	12
Interview	144	1	1	144
Paper and Pencil Survey	144	1	10/60	24
Total				228

Dated: February 13, 2009.

Maryam I. Daneshvar,

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

[FR Doc. E9–3657 Filed 2–19–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–09–09AR]

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 Daneshvar, CDC Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

STD Surveillance Network (SSuN)—New—Division of STD Prevention (DSTDP); National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP); Centers for Disease Control and Prevention (CDC).

Backgroundand Brief Description

The STD Surveillance Network (SSuN) is a group of STD clinics and health departments designed to perform active surveillance for STDs, such as, chancroid, chlamydia, gonorrhea, syphilis, hepatitis B, HIV, trichomoniasis, genital warts, human Papillomavirus, and *Mycoplasma genitalium* at twelve health departments and STD clinics at: Alabama State Health Department, Baltimore City Health Department, Chicago City Health Department, Colorado State Health Department, Connecticut State Health Department, Los Angeles City Health Department, Louisiana State Health Department, New York City Health Department, Philadelphia City Health Department, San Francisco City Health Department, Virginia State Health Department, and Washington State Health Department.

These twelve active sentinel surveillance sites will provide detailed information on demographic characteristics, behavioral risk factors, and clinical history of ill persons in order to identify factors that sustain the epidemic. For example, history of previous STD, number and sex of sex partners, and participation in anonymous or commercial sex alter a person's risk for acquiring disease.

The objectives of the SSuN project are: (1) To establish an integrated network of sentinel STD clinics and health departments to inform and guide national programs and policies for STD control in the U.S.; (2) to improve the capacity of national, state, and local STD programs to detect, monitor, and respond to established and emerging trends in STDs, HIV, and viral hepatitis; and (3) to identify and evaluate the effectiveness of public health interventions to reduce STD morbidity.

Information for the SSuN will be obtained from two different areas; twelve sentinel STD clinics and twelve health departments who will conduct sentinel surveillance among individuals who are diagnosed with STDs in the general population.

Health Departments and the sentinel STD clinics are funded by CDC through a cooperative agreement for participation in the SSuN active surveillance. Clinical information of the patients with a STD is routinely entered into the STD clinic databases in an electronic form. In addition to the clinical data, STD clinic counselors will include a patient interview on sexual behaviors and practices, and clinical history which will also reside in the clinic databases. Data elements of interest to the SSuN will be extracted from the clinic databases on a quarterly basis and transmitted to CDC through a secured channel. Each STD clinic will spend 2 hours to transmit the data to CDC each quarter. At CDC, data will be aggregated with data from all participating sites in a common language and formatted for analysis.

The twelve Health departments serving as the SSuN sentinel surveillance sites will interview 67 persons from the community at large each quarter. Each interview is expected to take 7 minutes per person. The survey results will also be entered into the existing information systems at each health department and sent to CDC through a secure data network on a quarterly basis.

There is no cost to the respondents other than their time.

ESTIMATE OF ANNUALIZED BURDEN TABLE

Respondent	No. of respondents	No. of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
STD Surveillance Clinics	12	4	2	96
STD Patients	3216	1	7/60	375
Total				471

Dated: February 17, 2009.

Maryam I. Daneshvar,

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

[FR Doc. E9–3647 Filed 2–19–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–D–0044]

Draft Guidance for Industry on Influenza: Developing Drugs for Treatment and/or Prophylaxis; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Influenza: Developing Drugs for Treatment and/or Prophylaxis.'' Recent concerns about the possibility of pandemic spread of novel influenza strains have increased interest in influenza drug development for both seasonal and pandemic settings. The purpose of this guidance is to assist sponsors in all phases of influenza drug development and to address questions FDA often receives regarding the potential for emergency use of influenza drugs for the treatment and/or prophylaxis of influenza.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit written or electronic comments on the draft guidance by May 21, 2009.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 2201, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.regulations.gov*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Debra Birnkrant, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, rm. 6332, Silver Spring, MD 20993–0002, 301–796–0770.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Influenza: Developing Drugs for Treatment and/or Prophylaxis.'' Because of the public health implications of both seasonal and pandemic influenza, the variable nature of the disease, and the limited therapeutic options and challenges in studying new options, FDA is developing guidance to assist sponsors in all phases of influenza drug development. This draft guidance addresses preclinical development, early phases of clinical development, phase 3 protocol designs and endpoints for the treatment of both uncomplicated and serious influenza, and protocol designs for the prophylaxis of symptomatic influenza. This guidance also addresses the role of animal data in an influenza drug development program and considerations relating to the potential for emergency use of influenza drugs including advance development of protocols for further exploration and verification of drug effects.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the agency's current thinking on developing drugs for the treatment and/or prophylaxis of influenza. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. The Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 312 and 314 have been approved under OMB Control Numbers 0910–0014 and 0910–0001, respectively.

III. Comments

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

IV. Electronic Access

Persons with access to the Internet may obtain the document at either*http://www.fda.gov/cder/guidance/index.htm* or *http://www.regulations.gov*.

Dated: February 11, 2009.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E9–3554 Filed 2–19–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; A Process Evaluation of the NIH Director's New Innovator Award (NIA) Program

SUMMARY: 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 Office of the Director, the National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: A Process Evaluation of the NIH Director's New Innovator Award (NIA) Program. *Type of Information Collection Request:* New collection. *Need and Use of Information Collection:* This study will assess the NIA Program operations and the outputs of the identification, evaluation and selection process. The primary objectives of the study are to: (1) Assess the NIA award selection process; (2) determine if the program was implemented as planned; and (3) determine if the process was conducted in accordance with the overall mission of the NIA program. The findings will provide valuable information concerning: (1) The characteristics of applicants and reviewers; (2) the criteria used to evaluate and select awardees; and (3) aspects of the process that could be revised or improved.

Frequency of Response: Once. *Affected Public:* none. *Type of*

Respondents: Applicants, Reviewers. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report. *Estimated Number of Respondents:* 662; *Estimated Number of Responses per Respondent:* 1: *Average Burden Hours Per Response:* .28 (15 minutes for applicants and 30 minutes for Extramural Reviewers), and *Estimated Total Annual Burden Hours Requested:* 188.5 and the annualized cost to respondents is estimated at $12,199.72. Table l and Table 2 respectively present data concerning the burden hours and cost burdens for this data collection.

TABLE 1—ANNUALIZED ESTIMATE OF HOUR BURDEN

Type of respondents	Number of respondents	Frequency of response	Average time for response (hr)	Total hour burden*
Applicants	570	1	.25	142.5
Extramural Reviewers	92	1	.50	46
Total	662	1	.28	188.5

*Total Burden = N Respondents*Response Frequency*(minutes to complete/60).*

TABLE 2—ANNUALIZED COST TO RESPONDENTS

Type of respondents	Number of respondents	Response frequency	Approx. hourly wage rate	Total respondent cost**
Applicants	570	1	$64.72	$9,226.60
Extramural Reviewers	92	1	64.72	2977.12
Total	662	1	64.72	12,199.72

**Total Respondent Cost = Total Hour Burden * Hourly Wage Rate.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) 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) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact G. Stephane Philogene, Ph.D., Assistant Director for Policy and Planning, Office of Behavioral and Social Sciences Research, National Institutes of Health, 31 Center Drive. Building 31, Room B2–B37, Bethesda, MD 20892, or call non-toll-free number (301) 402–3902 or e-mail your request, including your address to: *philoges@od.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Dated: February 10, 2009.

G. Stephane Philogene,

Assistant Director for Policy and Planning, Office of Behavioral and Social Sciences Research, National Institutes of Health.

[FR Doc. E9–3584 Filed 2–19–09; 8:45 am]

BILLING CODE 4140–10–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, Minority Programs Review Subcommittee B.

Date: March 13, 2009.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Rebecca H. Johnson, PhD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN18C, Bethesda, MD 20892, 301–594–2771, *johnsonrh@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 12, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–3581 Filed 2–19–09; 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) and552b(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 Function, Integration, and Rehabilitation Sciences Subcommittee.

Date: March 16, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Anne Krey, PhD, Scientific Review Administrator, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child, Health And Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, 301–435–6908, *ak41o@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 12, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–3586 Filed 2–19–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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) and552b(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 on Aging Special Emphasis Panel Biochemical Risk Markers.

Date: March 16, 2009.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, National Institutes of Health, Gateway Building, Room 2C–212, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: William Cruce, PhD., Scientific Review Officer, National Institute on Aging, Scientific Review Branch, Gateway Building 2C–212, 7201 Wisconsin Ave., Bethesda, MD 20814, 301–402–7704, *crucew@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 12, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–3587 Filed 2–19–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Proposed Collection; Comment Request Guam Visa Waiver Agreement

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

ACTION: 60-Day Notice and request for comments; Extension of an existing collection of information: 1651–0126.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, U.S. Customs and Border Protection (CBP) invites the general public and other Federal agencies to comment on an information collection requirement concerning the Guam Visa Waiver Agreement (Form I–760). This request for comment is being made pursuant to the Paperwork Reduction Act (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before April 21, 2009, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW., Room 3.2C, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the U.S. Customs and Border Protection, *Attn.*: Tracey Denning, 1300 Pennsylvania Avenue, NW., Room 3.2C, Washington, DC 20229, Tel. (202) 344–1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (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 estimates 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 including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Guam Visa Waiver Agreement.

OMB Number: 1651–0126.

Form Number: I–760.

Abstract: This Agreement is intended to ensure that every alien transported to Guam or the Commonwealth of the Northern Mariana Islands (CNMI) meets all of the stipulated eligibility criteria prior to departure to Guam or the CNMI. It also outlines the requirements to be satisfied by the carrier.

Current Actions: There are no changes to the information collection. This submission is being made to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Individuals.

Estimated Number of Respondents: 10.

Estimated Time per Respondent: 12 minutes.

Estimated Total Annual Burden Hours: 2.

Dated: February 12, 2009.

Tracey Denning,

Agency Clearance Officer, Customs and Border Protection.

[FR Doc. E9–3636 Filed 2–19–09; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Screening Requirements for Carriers

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

ACTION: 30-Day Notice and request for comments; Extension of an existing information collection: 1651–0122.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Screening Requirements for Carriers. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (73 FR 76672) on December 17, 2008, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before March 23, 2009.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: U.S. Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (Pub. L. 104–13). Your comments should address one 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/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's/component'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 collections of information on those who are to respond, including 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.

Title: Screening Requirements for Carriers.

OMB Number: 1651–0122.

Form Number: None.

Abstract: The information collected is used to determine whether sufficient steps were taken by a carrier demonstrating improvement in the screening of its passengers in order for the carrier to be eligible for automatic fines mitigation.

Current Actions: This submission is being made to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 65.

Estimated Time per Respondent: 100 hours.

Estimated Total Annual Burden Hours: 6,500.

If additional information is required contact: Tracey Denning, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Room 3.2.C, Washington, DC 20229, at 202–344–1429.

Dated: February 12, 2009.

Tracey Denning,

Agency Clearance Officer, Customs and Border Protection.

[FR Doc. E9–3637 Filed 2–19–09; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities; Guam Visa Waiver Information

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

ACTION: 60-Day Notice and request for comments; Extension of an existing collection of information: 1651–0109.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, U.S. Customs and Border (CBP) invites the general public and other Federal agencies to comment on an information collection requirement concerning the Guam Visa Waiver Information (Form I–736). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before April 21, 2009, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, *Attn.*: Tracey Denning, 1300 Pennsylvania Avenue, NW., Room 3.2C, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs and Border Protection, *Attn.*: Tracey Denning, 1300 Pennsylvania Avenue, NW., Room 3.2C, Washington, DC 20229, Tel. (202) 344–1429.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3506(c)(2)(A)). The comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Guam Visa Waiver Information.

OMB Number: 1651–0109.

Form Number: CBP Form I–736.

Abstract: Public Law 110–229, enacted on May 8th, 2008, provides for certain aliens to be exempt from the nonimmigrant visa requirement if seeking entry into Guam or the Commonwealth of the Northern Mariana Islands (CNMI) as a visitor. Applicants must present a completed Form I–736 to CBP in order to enter these territories under these provisions.

Current Actions: There are no changes to the information collection. This submission is being made to extend the expiration date.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 1,560,000.

Estimated Time per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 129,480.

Dated: February 12, 2009.

Tracey Denning,

Agency Clearance Officer, Customs and Border Protection.

[FR Doc. E9–3638 Filed 2–19–09; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5281–N–13]

Community Development Grant (CDBG) Entitlement Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

For the Community Development Block Grant (CDBG) Program, entitlement communities are required to keep records of activities. These records include definitions of conditions, certifications of activities/plans and other items. This paperwork submission addresses the record keeping and reporting requirements for the CDBG program.

DATES: *Comments Due Date: March 23, 2009.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2506–0077) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Lillian Deitzer, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Lillian Deitzer at *Lillian_L._Deitzer@HUD.gov* or telephone (202) 402–8048. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the Information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (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; (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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Community Development Grant (CDBG) Entitlement Program.

OMB Approval Number: 2506–0077.

Form Numbers: None.

Description of the Need for the Information and its Proposed Use: For the Community Development Block Grant (CDBG) Program, entitlement communities are required to keep records of activities. These records include definitions of conditions, certifications of activities/plans and other items. This paperwork submission addresses the recordkeeping and reporting requirements for the CDBG program.

Frequency of Submission: Quarterly, Annually.

	Number of respondents	×	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden:	1,145	4			116.55		533,799

Total Estimated Burden Hours: 533,799.

Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 13, 2009.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E9–3583 Filed 2–19–09; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5281–N–12]

State Community Development Block Grant (CDBG) Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

State submits an annual report and keeps records related to the Community Development Block Grant (CDBG) Program. These records include definitions of conditions, certifications of activities/plans, slum/blight activities, business assistance and community revitalization strategies and other items.

DATES: *Comments Due Date: March 23, 2009.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB

approval Number (2506–0085) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; *fax:* 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Lillian Deitzer, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Lillian Deitzer at *Lillian_L._Deitzer@HUD.gov* or telephone (202) 402–8048. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the Information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (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; (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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: State Community Development Block Grant (CDBG) Program.

OMB Approval Number: 2506–0085.

Form Numbers: None.

Description of the Need for the Information and Its Proposed Use: State submits an annual report and keeps records related to the Community Development Block Grant (CDBG) Program. These records include definitions of conditions, certifications of activities/plans, slum/blight activities, business assistance and community revitalization strategies and other items.

Frequency of Submission: Annually.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting burden	50	1	....	2242	....	112,100

Total Estimated Burden Hours: 112,100.

Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 13, 2009.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E9–3588 Filed 2–19–09; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–R–2008–N0319; 40136–1265–0000–S3]

Bogue Chitto National Wildlife Refuge, St. Tammany and Washington Parishes, LA, and Pearl River County, MS

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare a comprehensive conservation plan and environmental assessment; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), intend to prepare a comprehensive conservation plan (CCP) and associated National Environmental Policy Act (NEPA) documents for Bogue Chitto National Wildlife Refuge (NWR). We provide this notice in compliance with our CCP policy to advise other agencies, tribes, and the public of our intentions, and to obtain suggestions and information on the scope of issues to consider in the planning process.

DATES: To ensure consideration, we must receive your written comments by April 6, 2009. We will hold a public meeting during the scoping phase of the planning process; we will announce the meeting date, time, and place in local media.

ADDRESSES: Send comments, questions, and requests for information to: Tina Chouinard, Natural Resource Planner, Hatchie National Wildlife Refuge, 6772 Highway 76 South, Stanton, TN 38069.

FOR FURTHER INFORMATION CONTACT: Tina Chouinard; *telephone:* 731/780–8208; *fax:* 731/772–7839; *e-mail: tina_chouinard@fws.gov* .

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we initiate our process for developing a CCP for Bogue Chitto NWR in St. Tammany and Washington Parishes, Louisiana, and Pearl River County, Mississippi. This notice complies with our CCP policy to (1) Advise other Federal and State agencies, Tribes, and the public of our intention to conduct detailed planning on this refuge; and (2) obtain suggestions and information on the scope of issues to consider in the environmental document and during development of the CCP.

Background

The CCP Process

The National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee) (Improvement Act), which amended the National Wildlife Refuge System Administration Act of 1966, requires us to develop a CCP for each national wildlife refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing to the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Improvement Act.

Each unit of the National Wildlife Refuge System is established for specific purposes. We use these purposes as the foundation for developing and prioritizing the management goals and objectives for each refuge within the National Wildlife Refuge System mission, and to determine how the public can use each refuge. The planning process is a way for us and the public to evaluate management goals

and objectives for the best possible conservation approach to this important wildlife habitat, while providing for wildlife-dependent recreation opportunities that are compatible with the refuge's establishing purposes and the mission of the National Wildlife Refuge System.

Our CCP process provides participation opportunities for Tribal, State, and local governments; agencies; organizations; and the public. At this time we encourage input in the form of issues, concerns, ideas, and suggestions for the future management of Bogue Chitto NWR. Special mailings, newspaper articles, and other media outlets will be used to announce opportunities for input throughout the planning process.

We will conduct the environmental assessment in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*); NEPA regulations (40 CFR parts 1500–1508); other appropriate Federal laws and regulations; and our policies and procedures for compliance with those laws and regulations.

Bogue Chitto NWR was established in 1981 and encompasses 36,000 acres of the Pearl River Basin. The refuge is located about 9 miles northeast of Slidell, Louisiana, in St. Tammany and Washington Parishes, and also in Pearl River County, Mississippi. There are two road access points: One from Interstate 59 at the Louisiana/Mississippi border, and one west of Mississippi Highway 43 on Dumas Wise Road. The roads provide access to a limited portion of the refuge. The office for the refuge is located at the Southeast Louisiana Refuge Complex Headquarters in Lacombe, LA.

The refuge's bottomland hardwood forests contain sweetgum-water oak stands interspersed with bald cypress-water tupelo brakes and overcup oak-water hickory stands bisected by meandering, unchanneled rivers. Adjacent to these forested wetlands, the refuge is comprised of approximately 1,000 acres of upland pine habitat (*e.g.*, longleaf pine, slash pine, and loblolly pine).

Public use on Bogue Chitto NWR is primarily hunting and fishing, with some camping occurring along the rivers. Most of the refuge is accessible only by boat.

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105–57.

Dated: December 18, 2008.

Cynthia K. Dohner,

Acting Regional Director.

[FR Doc. E9–3606 Filed 2–19–09; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2008–N0256; 40120–1113–0000–C4]

Endangered and Threatened Wildlife and Plants; 5-Year Review of 10 Caribbean Plant Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service (Service) is initiating 5-year reviews of *Auerodendron pauciflorum* (no common name), *Daphnopsis hellerana* (no common name), *Gesneria pauciflora* (no common name), *Ilex sintenisi* (no common name), *Leptocereus grantianus* (no common name), *Schoepfia arenaria* (no common name), palo de jazmin (*Styrax portoricensis*), palo colorado (*Ternstroemia luquillensis*), *Ternstroemia subsessilis* (no common name), and St. Thomas prickly ash (*Zanthoxylum thomasianum*) under section 4(c)(2) of the Endangered Species Act of 1973, as amended (Act). The purpose of reviews conducted under this section of the Act is to ensure that the classification of species as threatened or endangered on the List of Endangered and Threatened Wildlife and Plants (50 CFR 17.11 and 17.12) is accurate. A 5-year review is an assessment of the best scientific and commercial data available at the time of the review.

DATES: To allow us adequate time to conduct this review, information submitted for our consideration must be received on or before April 21, 2009. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: Written comments and information may be sent: via e-mail to *marelisa_rivera@fws.gov*, faxed to (787) 851–7440, or sent via regular mail to: Marelisa Rivera, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622. Information received in response to this notice of review will be available for public inspection by appointment, during normal business hours, at the Ecological Services Office, Carr. 301, Km. 5.1, Bo. Corozo, Boquerón, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Marelisa Rivera, Boquerón, Puerto Rico, at the address above or by telephone, 787–851–7297, ext. 231.

SUPPLEMENTARY INFORMATION: Under the Act (16 U.S.C. 1531 *et seq.*), the Service maintains a list of endangered and threatened wildlife and plant species at 50 CFR 17.11 (for wildlife) and 17.12 (for plants) (collectively referred to as the List). Section 4(c)(2)(A) of the Act requires that we conduct a review of listed species at least once every five years. Then, on the basis of such reviews, under section 4(c)(2)(B), we determine whether or not any species should be removed from the List (delisted), or reclassified from endangered to threatened or from threatened to endangered. Delisting a species must be supported by the best scientific and commercial data available and only considered if such data substantiate that the species is neither endangered nor threatened for one or more of the following reasons: (1) The species is considered extinct; (2) the species is considered to be recovered; and/or (3) the original data available when the species was listed, or the interpretation of such data, were in error. Any change in Federal classification would require a separate rulemaking process. Amendments to the List through final rules are published in the **Federal Register**.

The regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. This notice announces our active review of the threatened plant *Schoepfia arenaria*; and 9 other plant species currently listed as endangered. The List is also available on our internet site at *http://endangered.fws.gov/wildlife.html#Species*.

What information is considered in the review?

A 5-year review considers the best scientific and commercial data that has become available since the current listing determination or most recent status review of each species, such as:

A. Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

B. Habitat conditions, including but not limited to amount, distribution, and suitability;

C. Conservation measures that have been implemented to benefit the species;

D. Threat status and trends (see five factors under heading ''How do we determine whether a species is endangered or threatened?''); and

E. Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

Definitions Related to This Notice

We provide the following definitions to assist individuals submitting information regarding the species being reviewed:

A. *Species* includes any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any species of vertebrate which interbreeds when mature.

B. *Endangered* means any species that is in danger of extinction throughout all or a significant portion of its range.

C. *Threatened* means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

How do we determine whether a species is endangered or threatened?

Section 4(a)(1) of the Act establishes that we determine whether a species is endangered or threatened based on one or more of the following five factors:

A. The present or threatened destruction, modification, or curtailment of its habitat or range;

B. Overutilization for commercial, recreational, scientific, or educational purposes;

C. Disease or predation;

D. The inadequacy of existing regulatory mechanisms; or

E. Other natural or manmade factors affecting its continued existence.

What could happen as a result of this review?

If we find that there is new information concerning any of these 10 species indicating that a change in classification may be warranted, we may propose a new rule that could do one of the following: (a) Reclassify the species from endangered to threatened (downlist); (b) reclassify the species from threatened to endangered (uplist); or (c) delist the species. If we determine that a change in classification is not warranted, then these species will remain on the List under their current status.

Public Solicitation of New Information

We request any new information concerning the status of these 10 plant species. See ''What information is considered in the review?'' heading for specific criteria. Information submitted should be supported by documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home addresses, etc., but if you wish us to withhold this information, you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documental circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Authority

This document is published under the authority of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: February 11, 2009.

Jacquelyn B. Parrish,

Acting Regional Director.

[FR Doc. E9–3604 Filed 2–19–09; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLIDC00000.09.L10400000.JI0000.241A.00]

Notice of Call for Nomination for Idaho's Coeur d'Alene District Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Call for Nominations for Idaho's Coeur d'Alene District Resource Advisory Council.

SUMMARY: The purpose of this notice is to request public nominations to fill one position in Category Three, (Elected Official), for Idaho's Coeur d'Alene District Resource Advisory Council (RAC). The Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1730) directs the Secretary of the Interior (Secretary) to involve the public in planning and issues related to management of lands administered by Bureau of Land Management (BLM). Section 309 of FLPMA directs the Secretary to select 10 to 15 member citizen-based advisory councils, which are consistent with the requirements of the Federal Advisory Committee Act (FACA). RACs are found at 43 CFR part 1784.

DATES: The BLM will accept public nominations until March 23, 2009. Applicants are requested to submit a completed nomination form and nomination letters to the address listed below.

FOR FURTHER INFORMATION CONTACT: Lisa A. Wagner, RAC Coordinator, Coeur d'Alene District, Bureau of Land Management, 3815 Schreiber Way Coeur d'Alene, Idaho 83815 or telephone at (208) 769–5014.

SUPPLEMENTARY INFORMATION: The BLM Coeur d'Alene District RAC is hosting a call for nominations for the position of Elected Official (representatives of state, county, or local elected office) on the advisory council. Upon appointment, the individual selected to this position will fill the seat until September 19, 2010, the remainder of this position's term. Individuals may nominate themselves or others. Nominees must be residents of Idaho. The BLM will evaluate nominees based on their education, training, experience, and their knowledge of the geographical area of the RAC. Nominees should demonstrate a commitment to collaborative resource decisionmaking.

The following must accompany nominations:

- Letters of reference from represented interest or organizations,
- A completed background information nomination form; and,
- Any other information that highlights the nominee's qualifications.

Gary D. Cooper,

District Manager.

[FR Doc. E9–3542 Filed 2–19–09; 8:45 am]

BILLING CODE 4310–GG–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCO912000–LL07770900.XX0000]

Notice of Public Meeting, Joint Colorado Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Northwest Colorado Resource Advisory Council (NWRAC), Southwest Resource Advisory Council (SWRAC), and Front Range Resource Advisory Council (FRRAC) will meet as indicated below.

DATES: The Northwest, Southwest and Front Range Colorado RACs have scheduled a joint meeting for February 24, 25, and 26, 2009.

ADDRESSES: The Joint Colorado RAC (JCRAC) meeting will be held February 24–26, 2009, at the Doubletree Hotel, 743 Horizon Drive, Grand Junction, CO. On February 24 the meeting will begin at 1 p.m. and adjourn at 5 p.m.; on February 25 the meeting will begin at 8 a.m. and adjourn at 4:45 p.m.; on February 26 the meeting will begin at 8 a.m. and adjourn at 12:15 p.m. A one-hour public comment period, from 8 a.m.-9 a.m., is scheduled for February 25.

FOR FURTHER INFORMATION CONTACT: Jim Sample, Public Affairs Specialist, BLM Colorado State Office, 2850 Youngfield St., Lakewood, CO, 80215, telephone 303–239–3861.

SUPPLEMENTARY INFORMATION: The Colorado RACs advise the Secretary of the Interior, through the BLM, on a variety of public land issues in Colorado.

Topics of discussion during the RAC meeting may include the BLM National Sage Grouse Conservation Strategy, working group reports, recreation, fire management, land use planning, invasive species management, energy and minerals management, travel management, wilderness, wild horse herd management, land exchange proposals, cultural resource management, and other issues as appropriate.

These meetings are open to the public. The public may present written comments to the RAC. Each formal RAC meeting will also have time, as identified above, allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

David Hunsaker,

Associate State Director.

[FR Doc. E9–3693 Filed 2–17–09; 4:15 pm]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–923–1310–FI; WYW154346]

Wyoming: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed reinstatement of terminated oil and gas lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement from Contex Energy Company for non-competitive oil and gas lease WYW154346 for land in Carbon County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Julie L. Weaver, Acting Chief, Branch of Fluid Minerals Adjudication, at (307) 775–6176.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year, and 18⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $163 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW154346 effective September 1, 2008, under the original terms and conditions of the lease and the increased rental and royalty rates cited above. BLM has not issued a valid lease affecting the lands.

Julie L. Weaver,

Acting Chief, Branch of Fluid Minerals Adjudication.

[FR Doc. E9–3624 Filed 2–19–09; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CACA 47658 and CACA 47658–01, LLCAD07000 L51010000 ER0000 LV.B204.00000000]

Notice of Availability of the Record of Decision for the Sunrise Powerlink Transmission Project and Associated Amendment to the Eastern San Diego County Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability and initiation of appeal period.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD) offering two right-of-way grants to San Diego Gas & Electric (SDG&E) for the Sunrise Powerlink Transmission Project and an associated Amendment to the Eastern San Diego County Resource Management Plan (RMP). The project is located in Imperial and San Diego Counties. The California State Director, BLM, signed the ROD on January 20, 2009.

DATES: These decisions are effective immediately upon publication of this notice and publication initiates a 30-day appeal period. Information regarding the appeals process is provided below.

ADDRESSES: Copies of the ROD are available upon request from the Field Manager, El Centro Field Office, Bureau of Land Management, 1661 S. 4th Street, El Centro, CA 92243 or via the internet at BLM's El Centro Field Office Web site: *http://www.blm.gov/style/medialib/blm/ca/pdf/elcentro/nepa/2007/eis.Par.9361.File.dat/ROD-SunrisePowerlinkJan2009.pdf.*

FOR FURTHER INFORMATION CONTACT: Information concerning the ROD may be obtained from Thomas Zale, El Centro Associate Field Manager, at (760) 337–4400, or e-mail at *Thomas_Zale@blm.gov*.

SUPPLEMENTARY INFORMATION: After extensive environmental analysis, consideration of public comments, and application of pertinent Federal laws and policies, it is the decision of the BLM to offer to SDG&E two right-of-way

grants for the construction, operation, maintenance, and termination of the transmission lines, ancillary facilities, and access roads of the project across public lands administered by BLM; and amend the Eastern San Diego RMP. One right-of-way grant will authorize the use of public lands for the project for a term of 50 years, which is subject to renewal, and the other will authorize the use of public lands for the construction of the project for a term of 2 years, which is also subject to renewal. The amendment of the RMP will allow for a one-time exemption for a single utility crossing outside of an established corridor on public lands. BLM's decision authorizes issuance of right-of-way grant to SDG&E for the final environmentally superior southern route alternative as analyzed in the Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR), issued in October 2008. The Environmental Protection Agency published a Notice of Availability of the FEIS/EIR in the **Federal Register** on October 17, 2008 (73 FR 61859).

The decision by BLM to offer the two right-of-way grants to SDG&E is appealable subject to 43 CFR part 4, Subpart E—Special Rules Applicable to Public Land Hearings and Appeals, and 43 CFR 2801.10. Any party adversely affected by this decision may appeal within the timeframe as described above in the **DATES** section. Appeals must be filed with the Field Manager, El Centro Field Office (at the address listed below) on or before March 23, 2009. If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your Notice of Appeal (43 CFR 4.21 or 43 CFR 2801.10). The appeal and petition for a stay (if requested) must be filed with the El Centro Field Manager at the above listed address on or before March 23, 2009. Copies of the appeal and petition for a stay (if requested) should also be filed with Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Suite 300, Arlington, Virginia 22203–1710; and the Office of the Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Suite E–1712, Sacramento, California 95825–1890. You are encouraged to consult the cited Federal regulations for further appeal requirements.

Authority: 43 U.S.C. 1712 and 1761.

Robert M. Doyel,

Chief, Branch of Lands Management (CA–930).

[FR Doc. E9–3618 Filed 2–19–09; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

[Docket No. MMS–2008–OMM–0038]

MMS Information Collection Activity: 1010–0050, Pipelines and Pipeline Rights-of-Way, Revision of a Collection; Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of a revised information collection (1010–0050).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to revise an approval of the paperwork requirements in the regulations under 30 CFR 250, subpart J, Pipelines and Pipeline Rights-of-Way. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

DATES: Submit written comments by March 23, 2009.

ADDRESSES: You should submit comments directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0050), either by fax (202) 395–6566 or e-mail (*OIRA_DOCKET@omb.eop.gov*).

Please also send a copy to MMS by either of the following methods:

- *http://www.regulations.gov.* Under the tab More Search Options, click Advanced Docket Search, then select Minerals Management Service from the agency drop-down menu, then click submit. In the Docket ID column, select MMS–2008–OMM–0038 to submit public comments and to view supporting and related materials available for this submission. Information on using *Regulations.gov,* including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's User Tips link. Submit comments to *Regulations.gov* by March 23, 2009. The MMS will post all comments.
- Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Cheryl Blundon; 381 Elden Street, MS–4024; Herndon, Virginia 20170–4817. Please reference Information Collection 1010–0050 in your subject line and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch, (703) 787–1607. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the regulation and forms that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart J, Pipelines and Pipeline Rights-of-Way.

Forms: MMS–149—Assignment of Federal OCS Pipeline Right-of-Way Grant and MMS–2030—Outer Continental Shelf (OCS) Pipeline Right-of-Way Grant Bond.

OMB Control Number: 1010–0050.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to manage the mineral resources of the OCS. Such rules and regulations will apply to all operations conducted under a lease, right-of-use and easement, and pipeline right-of-way (ROW). Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition. Section 1334(e) authorizes the Secretary to grant ROWs through the submerged lands of the OCS for pipelines " * * * for the transportation of oil, natural gas, sulphur, or other minerals, or under such regulations and upon such conditions as may be prescribed by the Secretary, * * * including (as provided in section 1347(b) of this title) assuring maximum environmental protection by utilization of the best available and safest technologies, including the safest practices for pipeline burial. * * *"

The Independent Offices Appropriations Act (31 U.S.C. 9701), the Omnibus Appropriations Bill (Pub. L. 104–133, 110 Stat. 1321, April 26, 1996), and the Office of Management and Budget (OMB) Circular A–25, authorize Federal agencies to recover the full cost of services that confer

special benefits. Under the Department of the Interior's (DOI) implementing policy, the Minerals Management Service (MMS) is required to charge the full cost for services that provide special benefits or privileges to an identifiable non-Federal recipient above and beyond those that accrue to the public at large. Pipeline ROWs and assignments are subject to cost recovery, and MMS regulations specify filing fees for applications.

Regulations implementing these responsibilities are under 30 CFR part 250, subpart J. Responses are submitted to MMS on occasion and are mandatory or they are required to obtain or retain a benefit. No questions of a sensitive nature are asked. The MMS protects proprietary information according to the Freedom of Information Act (5 U.S.C. 552), its implementing regulations (43 CFR part 2), and 30 CFR 250.197, Data and information to be made available to the public or for limited inspection.

The MMS uses the information collected under subpart J to ensure that lessees and pipeline ROW holders design, install, maintain, and operate pipelines in a safe manner. The MMS needs information concerning the proposed pipeline and safety equipment, inspections and tests, and natural and manmade hazards near the proposed pipeline route. The MMS field offices use the information collected under subpart J to review pipeline designs prior to approving an application for an ROW or lease term pipeline to ensure that the pipeline, as constructed, will provide for safe transportation of minerals through the submerged lands of the OCS. They review proposed pipeline routes to ensure that the pipeline would not conflict with any State requirements or unduly interfere with other OCS activities. The MMS field offices review proposals for taking pipeline safety equipment out of service to ensure alternate measures are used that will properly provide for the safety of the pipeline and associated facilities (platform, etc.). They review notification of relinquishment of an ROW grant and requests to abandon pipelines to ensure that all legal obligations are met and pipelines are properly abandoned. The MMS inspectors monitor the records concerning pipeline inspections and tests to ensure safety of operations and protection of the environment and to schedule their workload to permit witnessing and inspecting operations. Information is also necessary to determine the point at which DOI or Department of Transportation (DOT) has regulatory responsibility for a pipeline and to be informed of the identified operator if not the same as the ROW holder.

The MMS uses two forms associated with this collection. They are forms:

MMS–149—Assignment of Federal OCS Pipeline Right-of-Way Grant. The MMS uses the information to track the ownership of pipeline ROWs. The MMS will use this information to update the corporate database, which is used to determine what leases are available for a Lease Sale and the ownership of all OCS leases.

MMS–2030—Outer Continental Shelf (OCS) Pipeline Right-of-Way Grant Bond.

The MMS uses this information to ensure compliance of Federal regulations by the surety and ROW holder guaranteeing that funds be made available to complete existing and future obligations.

Frequency: On occasion.

Estimated Number and Description of Respondents: Approximately 130 potential Federal oil or gas or sulphur lessees and/or operators; as well as 88 pipeline right-of-way holders.

Estimated Reporting and Recordkeeping Hour Burden: The estimated annual hour burden for this information collection is 76,864. The following chart details the individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250 Subpart J and related NTL(s)	Reporting & recordkeeping requirement	Non-hour cost burdens * (cost recovery fees)		
		Hour burden	Average number of annual responses	Annual burden hours
Lease Term (L/T) Pipeline (P/L) Applications				
1000(b)(1); 1004(b)(5); 1007(a).	Submit application and all required information and notices to install new L/T P/L.	145	201-new L/T P/L applications.	29,145
		$3,283 × 201 L/T P/L applications = $659,883		
1000(b)(1); 1007(b)	Submit application and all required information and notices to modify a L/T P/L.	35	131 modifications	4,585
		$1,906 × 131 L/T P/L applications = $249,686		
Subtotal			332 responses	33,730
			$909,569 non-hour cost burdens	
Right of Way (ROW) P/L Applications and Grants				
1000(b)(2), (d); 1004(b)(5); 1007(a); 1009(a); 1011(a); 1015; 1016.	Submit application and all required information and notices for new P/L ROW grant and to install a new ROW P/L.	170	102-new ROW grant and P/L applications.	17,340
		$2,569 × 102 applications = $262,038		

Citation 30 CFR 250 Subpart J and related NTL(s)	Reporting & recordkeeping requirement	Non-hour cost burdens * (cost recovery fees)		
		Hour burden	Average number of annual responses	Annual burden hours
1000(b)(2), (3); 1007(b); 1017.	Submit application and all required information and notices to modify a P/L ROW grant and to modify an ROW P/L (includes route modifications, cessation of operations, partial relinquishments, hot taps, and new and modified accessory platforms).	48	162 modifications	7,776
		$3,865 × 162 applications = $626,130		
1000(b)(3); 1010(h); 1019; 1017(b)(2).	Submit application and all required information and notices to relinquish P/L ROW grant.	7	128 relinquishments	896
1011(a)	Provide surety bond using form MMS–2030	GOM ¼ Pacific 3.5	50 forms 3 forms	12.5 10.5
1015	Submit application and all required information and notices for ROW grant to convert a lease-term P/L to an ROW P/L.	18	26 conversions	468
		$219 × 26 applications = $5,694		
1016	Request opportunity to eliminate conflict when an application has been rejected.	2	1 request	2
1018	Submit application and all required information and notices for assignment of a pipeline ROW grant using Form MMS–149 (burden includes approximately 30 minutes to fill out form).	16	201 assignments	3,216
		$186 × 201 P/L ROW requests = $37,386		
Subtotal			673 responses	29,721
			$931,248 non-hour cost burdens	
Notifications and Reports				
1004(b)(5)	In lieu of a continuous volumetric comparison system, request substitution; submit any supporting documentation if requested/required.	36	1 submittal	36
1008(a)	Notify MMS before constructing or relocating a pipeline.	½	546 notices	273
1008(a)	Notify MMS before conducting a pressure test	½	750 notices	375
1008(b)	Submit L/T P/L construction report	17	149 reports	2,533
1008(b)	Submit ROW P/L construction report	17	112 reports	1,904
1008(c)	Notify MMS of any pipeline taken out of service	½	600 notices	300
1008(d)	Notify MMS of any pipeline safety equipment taken out of service more than 12 hours.	⅕	5 notices	1
1008(e)	Notify MMS of any repair and include procedures.	2	205 notices	410
		$360 × 205 notices = $73,800		
1008(e)	Submit repair report	3	205 reports	615
1008(f)	Submit report of pipeline failure analysis	30	5 reports	150
1008(g)	Submit plan of corrective action and report of any remedial action.	12	4 plans/reports	48
1008(h)	Submit the results and conclusions of pipe-to-electrolyte potential measurements.	⅛	2,500 results	312.5
1010(c)	Notify MMS of any archaeological resource discovery.	4	2 notices	8
1010(d)	Notify MMS of P/L ROW holder's name and address changes.	Not considered IC under 5 CFR 1320.3(h)		0
Subtotal			5,084 responses	[3] 6,966
			$73,800 non-hour cost burdens	
General				
1000(c)(2)	Identify in writing P/L operator on ROW if different from ROW grant holder.	¼	4 submissions	1

Citation 30 CFR 250 Subpart J and related NTL(s)	Reporting & recordkeeping requirement	Non-hour cost burdens * (cost recovery fees)		
		Hour burden	Average number of annual responses	Annual burden hours
1000(c)(3)	Mark specific point on P/L where operating responsibility transfers to transporting operator or depict transfer point on a schematic located on the facility. One-time requirement after final rule published; now part of application or construction process involving no additional burdens.			0
1000(c)(4)	Petition MMS for exceptions to general operations transfer point description.	5	1 petition	5
1000(c)(8)	Request MMS recognize valves landward of last production facility but still located on OCS as point where MMS regulatory authority begins (none received to date).	1	1 request	1
1000(c)(12)	Petition MMS to continue to operate under DOT regulations upstream of last valve on last production facility (one received to date).	40	1 petition	40
1000(c)(13)	Transporting P/L operator petition to DOT and MMS to continue to operate under MMS regulations (none received to date).	40	1 petition	40
1004(c)	Place sign on safety equipment identified as ineffective and removed from service.	See footnote [1]		0
1007(a)(4)	Submit required documentation for unbonded flexible pipe.	150	12 submissions	1,800
1000–1019	General departure and alternative compliance requests not specifically covered elsewhere in subpart J regulations.	2	175 requests	350
Subtotal			195 responses	2,237
Recordkeeping				
1000–1008	Make available to MMS design, construction, operation, maintenance, testing, and repair records on lease-term P/Ls [2].	5	130 lease-term P/L operators.	650
1005(a)	Inspect P/L routes for indication of leakage [1], record results, maintain records 2 years [2].	2 per month = 24	130 lease-term P/L operators.	3,120
1010(g)	Make available to MMS design, construction, operation, maintenance, testing, and repair records on P/L ROW area and improvements [2].	5	88 P/L ROW holders	440
Subtotal			348 responses	4,210
Total Hour Burden			6,632 responses	76,864
Total Non-Hour Cost Burden			$1,914,617 non-hour cost burdens	

[1] These activities are usual and customary practices for prudent operators.
[2] Retaining these records is usual and customary business practice; required burden is minimal to make available to MMS.
[3] Rounded.
* Due to rulemaking (August 25, 2008, 73 FR 49942) cost recovery fees increased, effective 9/24/08.

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified seven non-hour cost burdens, all of which are cost recovery fees. However, note that the actual fee amounts are specified in 30 CFR 250.125, which provides a consolidated table of all of the fees required under the 30 CFR 250 regulations. The non-hour cost burden (cost recovery fees) total in this ICR is an estimated $1,914,617.

The non-hour cost burdens required in 30 CFR 250, subpart J (and respective cost-recovery fee amount per transaction) are required as follows:

- § 250.1000(b)—New Pipeline Application (lease term)—$3,283
- § 250.1000(b)—Pipeline Application Modification (lease term)—$1,906
- § 250.1000(b)—Pipeline Application Modification (ROW)—$3,865
- § 250.1008(e)—Pipeline Repair Notification—$360
- § 250.1015(a)—Pipeline ROW Grant Application—$2,569
- § 250.1015(a)—Pipeline Conversion from Lease term to ROW—$219
- § 250.1018(b)—Pipeline ROW Assignment—$186

We have not identified any other non-hour cost burdens associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the

proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, on September 15, 2008, we published a **Federal Register** notice (73 FR 53274) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 250.199 provides the OMB control number for the information collection requirements imposed by the 30 CFR part 250, subpart J regulation. The regulation also informs the public that they may comment at any time on the collections of information and provides the address to which they should send comments. We have received no comments in response to these efforts.

If you wish to comment in response to this notice, you may send your comments to the offices listed under the **ADDRESSES** section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by March 23, 2009.

Public Availability of Comments: Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

MMS Information Collection Clearance Officer: Arlene Bajusz, (202) 208–7744.

Dated: January 27, 2009.

E.P. Danenberger,

Chief, Office of Offshore Regulatory Programs.

[FR Doc. E9–3664 Filed 2–19–09; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before February 7, 2009.

Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by March 9, 2009.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

CONNECTICUT

Hartford County

Commercial Trust Company Building, 51–55 W. Main St., New Britain, 09000141

IOWA

Hardin County

Folkert Mound Group, Address Restricted, Steamboat Rock, 09000126

Johnson County

Wetherby, Isaac A., House, 611 N. Governor, Iowa City, 09000127

MICHIGAN

Genesee County

Hotel Durant, 607 E. 2nd Ave., Flint, 09000128

Oakland County

O'Dell, H. Augustus and Agnes Cleveland, House—Inch House, 1945 Tiverton Rd., Bloomfield Hills, 09000129

Shiawassee County

Durand High School, 100 W. Sycamore St., Durand, 09000130

NEBRASKA

Douglas County

Federal Office Building, 106 S. 15th St., Omaha, 09000131

NEW JERSEY

Monmouth County

First Presbyterian Church of Rumson, 4 E. River Rd., Rumson, 09000132

NEW YORK

Chautauqua County

Midway Park, NY 430, Maple Springs, 09000133

Greene County

Woodward Road Stone Arch Bridge, Woodward Rd., E. Durham, 09000134

New York County

SHEARWATER (schooner), N. Cove Marina, New York, 09000135

Suffolk County

Tuthill-Lapham House, 324 Sound Rd., at corner of Sunset Blvd., Wading River, 09000136

TENNESSEE

Lawrence County

Garrett House, 205 S. Military Ave., Lawrenceburg, 09000137

TEXAS

Comal County

Faust Street Bridge, (Historic Bridges of Texas MPS), Connecting Faust and Porter Streets at the Guadalupe River, New Braunfels, 09000138

Johnson County

Wright Building, 1 E. James St., Cleburne, 09000139

McLennan County

Waco High School, 815 Columbus, Waco, 09000140

[FR Doc. E9–3673 Filed 2–19–09; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Weekly Listing of Historic Properties

Pursuant to (36 CFR 60.13(b,c)) and (36 CFR 63.5), this notice, through publication of the information included herein, is to apprise the public as well as governmental agencies, associations and all other organizations and individuals interested in historic preservation, of the properties added to, or determined eligible for listing in, the National Register of Historic Places from January 5 to January 9, 2009.

For further information, please contact Edson Beall via: United States Postal Service mail, at the National Register of Historic Places, 2280, National Park Service, 1849 C St. NW., Washington, DC 20240; in person (by appointment), 1201 Eye St. NW., 8th floor, Washington, DC 20005; by fax, 202–371–2229; by phone, 202–354–2255; or by e-mail, *Edson_Beall@nps.gov*.

Dated: February 17, 2009.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

Key: State, County, Property Name, Address/Boundary, City, Vicinity, Reference Number, Action, Date, Multiple Name

ARIZONA

Maricopa County,

Sun-Up Ranch, W. Frontage Rd. of Black Canyon Hwy., 1.75 mi. N. of Desert Hills interchange, New River, 08001307, LISTED, 1/08/09

Pima County,

Empirita Cattle Ranch Rural Historic District, Between Vail & Benson S. of I10, Benson vicinity, 04001247, LISTED, 1/08/09 (Cattle Ranching in Arizona MPS)

Santa Cruz County,

Little Outfit Schoolhouse, The, 571 Canelo Pass Rd., Patagonia vicinity, 08001275, LISTED, 1/08/09

CALIFORNIA

Monterey County,

Monterey County Court House, 240 Church St., Salinas, 08000878, LISTED, 1/08/09

San Benito County,

San Juan Bautista Third Street Historic District, 3rd St. between 406 3rd St. and Franklin St., San Juan Bautista, 08001277, LISTED, 1/09/09

San Joaquin County,

Philomathean Clubhouse, 1000 N. Hunter St., Stockton, 08001278, LISTED, 1/05/09

Santa Clara County,

Young, Earl and Virginia, House, 1888 White Oaks Rd., Campbell, 08001279, LISTED, 1/08/09

Tuolumne County,

Cooper Cabin, Address Restricted, Emigrant Wilderness, Stanislaus National Forest, Strawberry vicinity, 08001314, LISTED, 1/09/09

GEORGIA

Bibb County,

League, Joseph and Mary Jane, House, 1849 Waverland Dr., Macon, 08001280, LISTED, 1/09/09

Fulton County,

New Hope African Methodist Episcopal Church and Cemetery, 3012 Arden Rd., NW., Atlanta, 08001281, LISTED, 1/09/09

Habersham County,

Lawton Place, 136 7th Ave., Mount Airy, 08001282, LISTED, 1/08/09

IOWA

Clarke County,

Chicago, Burlington and Quincy Depot, 215 N. Main St., Osceola, 08001283, LISTED, 1/08/09 (Advent & Development of Railroads in Iowa MPS)

KENTUCKY

Marshall County,

Cherokee State Park, 542 Kenlake Rd., Hardin vicinity, 08001120, LISTED, 1/09/09

MISSOURI

Buchanan County,

Lawler Motor Company Building, 1224 Frederick Ave., St. Joseph, 08001285, LISTED, 1/08/09 (St. Joseph, Buchanan County, Missouri MPS AD)

St. Louis Independent City,

St. Cecilia Historic District, Bounded by S. Grand Blvd., Delor St., Virginia Ave., and Bates St., St. Louis, 08001286, LISTED, 1/08/09 (South St. Louis Historic Working and Middle Class Streetcar Suburbs MPS)

MONTANA

Silver Bow County,

Wold Barn, SW corner of jct. of Hecla and 3rd Sts., Melrose, 08001287, LISTED, 1/08/09

NORTH CAROLINA

Ashe County,

Lansing School, E. side of NC 194 at jct. with NC 1517, Lansing, 08001288, LISTED, 1/08/09

Guilford County,

First Baptist Church, 701 E. Washington Dr., High Point, 08001289, LISTED, 1/08/09

Halifax County,

Enfield Graded School, 700 Branch St., Enfield, 08001290, LISTED, 1/08/09

Henderson County,

Cold Spring Park Historic District, Bounded roughly by N. Main St. on the N., Maple St. on the E., 9th Ave. E. on the S., and Locust St. on the W, Hendersonville, 08001291, LISTED, 1/08/09 (Hendersonville MPS)

Wake County,

Mount Hope Cemetery, 1100 Fayetteville St., Raleigh, 08001292, LISTED, 1/08/09

OHIO

Hamilton County,

Hyde Park Methodist Episcopal Church, 1345 Grace Ave., Cincinnati, 08001294, LISTED, 1/07/09

Hamilton County,

Nurre-Royston House, 4330 Errun La., Cincinnati vicinity, 08001295, LISTED, 1/08/09

Lawrence County,

Downtown Ironton Historic District, Portions of 2nd, 3rd, 4th, 5th, Center Sts., Park Ave., Vernon St. and Bobby Bare Blvd., Ironton, 08001296, LISTED, 1/08/09

Montgomery County,

Julienne Girls Catholic High School, 325 Homewood Ave., Dayton, 08001297, LISTED, 1/08/09

Stark County,

Dobkins, John and Syd, House, 5120 Plain Center N.E., Canton, 08001298, LISTED, 1/08/09

TEXAS

Dallas County,

Dallas Downtown Historic District (Boundary Increase), Bounded by Jackson, North Hardwood Commerice, N.-S. line between S. Pearl Exwy., and S. Hardwood Canton, Dallas, 08001299, LISTED, 1/09/09

Tarrant County,

Westbrook, Roy A. and Gladys, House, 2232 Winton Terrace W., Fort Worth, 08001300, LISTED, 1/08/09

WASHINGTON

King County,

Redmond City Park, 7802 168th Ave NE, Redmond, 08001302, LISTED, 1/06/09

WISCONSIN

Wood County,

Parkin Ice Cream Company, 108 W. 9th St., Marshfield, 08001303, LISTED, 1/08/09

WYOMING

Big Horn County,

Hyart Theater, The, 251 E. Main St., Lovell, 08001304, LISTED, 1/08/09

Laramie County,

Moore Haven Heights Historic District, Bent Ave. on the W., E. of Central Ave. on E., W. 8th Ave. on N., W. Pershing Blvd on the S., Cheyenne, 08001305, LISTED, 1/08/09

Sweetwater County,

Green River Downtown Historic District, 72–142 Flaming Gorge Way, 58–94 N. 1st St., 125–200 E. Railroad Ave., 62–94 N. 1st E. St., Pedestrian Overpass, Green River, 08001306, LISTED, 1/08/09

[FR Doc. E9–3674 Filed 2–19–09; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Los Vaqueros Reservoir Expansion, Contra Costa County, CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability of the Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) and notice of public hearings.

SUMMARY: The Bureau of Reclamation (Reclamation), as the National Environmental Policy Act Federal lead agency, and the Contra Costa Water District (CCWD), as the California Environmental Quality Act State lead agency, have made available for public review and comment the Los Vaqueros Reservoir Expansion Project Draft EIS/

EIR. The Draft EIS/EIR describes and presents the environmental effects of the No-Action Alternative and four action alternatives. Five public hearings will be held to receive comments from individuals and organizations on the Draft EIS/EIR.

DATES: Five public hearings have been scheduled to receive oral or written comments regarding environmental effects:

- Monday, March 23, 2009, 1:30 p.m.–3:30 p.m., Sacramento, CA.
- Tuesday, March 24, 2009, 6:30 p.m.–8:30 p.m., Livermore, CA.
- Thursday, March 26, 2009, 6:30 p.m.–8:30 p.m., Dublin, CA.
- Tuesday, March 31, 2009, 6:30 p.m.–8:30 p.m., Concord, CA.
- Thursday, April 2, 2009, 6:30 p.m.–8:30 p.m., Oakley, CA.

A 1-hour open house to view project information and interact with the project team will precede the public hearings.

The Draft EIS/EIR will be available for a 60-day public review period. Comments are due by April 21, 2009.

ADDRESSES: The public hearings will be held at the following locations:

- Sacramento at the Bonderson Building Hearing Room 102A/B, 901 P St.
- Livermore at Zone 7 Water Agency Board Room, 100 North Canyons Parkway.
- Dublin at the San Ramon Services District Board Room, 7051 Dublin Blvd.
- Concord at the Heald College and Conference Center, 5130 Commercial Circle.
- Oakley at the Ironhouse Elementary Multi-purpose Room, 4801 Frank Hengel Way.

Send written comments on the Draft EIS/EIR to Mr. Louis Moore, Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825.

Copies of the Draft EIS/EIR may be requested from Ms. Marguerite Naillon, Project Manager, CCWD, at 925–688–8018 or *lvstudies@hotmail.com.* The Draft EIS/EIR is also accessible from the following Web site: *http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=903* . See **SUPPLEMENTARY INFORMATION** Section for locations where copies of the Draft EIS/EIR are available for public review.

FOR FURTHER INFORMATION CONTACT: Mr. Louis Moore, Bureau of Reclamation, at 916–978–5189 (TDD 916–978–5608), or *wmoore@mp.usbr.gov.*

SUPPLEMENTARY INFORMATION: The Draft EIS/EIR documents the direct, indirect, and cumulative effects to the physical, biological, and socioeconomic environment that may result from the expansion of Los Vaqueros Reservoir.

The Los Vaqueros Reservoir Expansion Project Draft EIS/EIR evaluates expanding the existing Los Vaqueros Reservoir and conveyance facilities. The project objectives consist of: (1) Developing water supplies for environmental water management that supports fish protection, habitat management, and other environmental water needs; (2) increasing water supply reliability for water providers within the San Francisco Bay Area, to help meet municipal and industrial water demands during drought periods and emergencies or to address shortages due to regulatory and environmental restrictions; and (3) improving the quality of water deliveries to municipal and industrial customers in the San Francisco Bay Area, without impairing the project's ability to meet the environmental and water supply reliability objectives stated above.

One of the five potential surface storage projects described in the CALFED Bay-Delta Program's long-term plan is the expansion of the existing Los Vaqueros Reservoir, an existing 100,000 acre-foot off-stream surface storage facility, located in Contra Costa County, California. The existing facility is owned and operated by the CCWD.

The primary study area includes the Los Vaqueros Reservoir watershed and associated dam and reservoir facilities, which are situated in the coastal foothills west of the Delta and east of the Bay Area, the central and south Delta, and service areas of Bay Area water agencies. The Bay Area water agencies affected include CCWD, Alameda County Water District, Santa Clara Valley Water District, and Alameda County Flood Control and Water Conservation District—Zone 7. Due to the project influence on other programs and projects, an extended study area is defined to include the service areas of the San Francisco Public Utility Commission and the Central Valley of California.

Reclamation was authorized in Public Law 108–7 (Omnibus Appropriations Act of 2003) to conduct a feasibility-level investigation of the potential expansion of Los Vaqueros Reservoir. Planning studies have focused on identifying water resources problems, needs, and opportunities in the primary study area; developing a set of planning objectives; and formulating alternatives.

Copies of the Draft EIS/EIR are available for public review at the following locations:

- Bureau of Reclamation, Mid-Pacific Region, Regional Library, 2800 Cottage Way, Sacramento, CA 95825.
- Contra Costa Water District 1331 Concord Avenue, Concord, CA 94520.
- California Bay-Delta Authority, 650 Capitol Mall, 5th Floor, Sacramento, CA 95814.
- Bureau of Reclamation, Denver Office Library, Building 67, Room 167, Denver Federal Center, 6th and Kipling, Denver, CO 80225.
- Natural Resources Library, U.S. Department of the Interior, 1849 C Street, NW., Main Interior Building, Washington, DC 20240–0001.

If special assistance is required at the public hearings, please contact Mr. Louis Moore at 916–978–5189, or via e-mail at *wmoore@mp.usbr.gov.* Please notify Mr. Moore as far in advance as possible to enable Reclamation to secure the needed services. If a request cannot be honored, the requestor will be notified. A telephone device for the hearing impaired (TDD) is available at 916–978–5608.

Before including your name, address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 11, 2009.

Richard M. Johnson,

Acting Regional Director, Mid-Pacific Region.

[FR Doc. E9–3653 Filed 2–19–09; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application

Pursuant to 21 U.S.C. 958(i), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under 21 U.S.C. 952(a)(2) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Title 21 Code of Federal Regulations (CFR), 1301.34(a), this is notice that on January 16, 2009, Supernus Pharmaceuticals, Inc., 1550 East Gude Drive, Rockville, Maryland 20850, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as

an importer of the basic classes of controlled substances listed in schedule II:

Drug	Schedule
Oxycodone (9143)	II
Morphine (9300)	II

The company plans to import controlled substances for clinical trials and analytical testing.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic classes of controlled substances may file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, **Federal Register** Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than March 23, 2009.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, (40 FR 43745–46), all applicants for registration to import a basic class of any controlled substances in schedule I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: February 13, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–3650 Filed 2–19–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 8, 2009, Sigma Aldrich Research Biochemicals, Inc., 1–3 Strathmore Road, Natick, Massachusetts 01760–2447, made application by renewal to the Drug Enforcement Administration (DEA) as a bulk manufacturer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
Aminorex (1585)	I
Gamma Hydroxybutyric Acid (2010).	I
Alpha-ethyltryptamine (7249)	I
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
4–Bromo-2,5-dimethoxyamphetamine (7391).	I
4–Bromo-2,5-dimethoxyphenethylamine (7392).	I
2,5–Dimethoxyamphetamine (7396).	I
3,4–Methylenedioxyamphetamine (7400).	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402).	I
3,4–Methylenedioxy-N-ethylamphetamine (7404).	I
3,4–Methylenedioxymethamphetamine (MDMA) (7405).	I
Psilocybin (7437)	I
5–Methoxy-N,N-diisopropyltryptamine (7439).	I
1-[1-(2–Thienyl)cyclohexyl]piperidine (TCP) (7470).	I
1–Benzylpiperazine (BZP) (7493)	I
Heroin (9200)	I
Normorphine (9313)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Nabilone (7379)	II
1–Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
Cocaine (9041)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Ecgonine (9180)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Metazocine (9240)	II
Methadone (9250)	II
Morphine (9300)	II
Thebaine (9333)	II
Levo-alphacetylmethadol (9648)	II
Carfentanil (9743)	II
Fentanyl (9801)	II

The company plans to manufacture reference standards.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than April 21, 2009.

Dated: February 13, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–3646 Filed 2–19–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated October 28, 2008 and published in the **Federal Register** on November 3, 2008, (73 FR 65404), Cedarburg Pharmaceuticals, Inc., 870 Badger Circle, Grafton, Wisconsin 53024, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Dihydromorphine (9145)	I
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The company plans to manufacture the listed controlled substances in bulk for distribution to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Cedarburg Pharmaceuticals, Inc. to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Cedarburg Pharmaceuticals, Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted

registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: February 13, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–3648 Filed 2–19–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated October 9, 2008 and published in the **Federal Register** on October 17, 2008, (73 FR 61911), Noramco Inc., 1440 Olympic Drive, Athens, Georgia 30601, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
Codeine-N-oxide (9053)	I
Morphine-N-oxide (9307)	I
Amphetamine (1100)	II
Methylphenidate (1724)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Oxymorphone (9652)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Carfentanil (9743)	II
Fentanyl (9801)	II

The company plans to manufacture small quantities of the schedule I controlled substances for internal testing; the schedule II controlled substances will be manufactured in bulk for distribution to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Noramco Inc. to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Noramco Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: February 13, 2009.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E9–3649 Filed 2–19–09; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

February 13, 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: Employment Training Administration.

Type of Review: Extension without change of currently approved collection.

Title of Collection: Labor Exchange Reporting System (LERS).

OMB Control Number: 1205–0240.

Agency Form Numbers: ETA 200–VETS, VETS 200A, VETS 200B, VETS 200C, ETA 9002A, ETA 9002B, ETA 9002C, ETA 9002D, and ETA 9002E.

Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Respondents: 54.

Total Estimated Annual Burden Hours: 527,023.

Total Estimated Annual Costs Burden: $ 0.

Description: States submit quarterly performance data for the Wagner-Peyser funded public labor exchange services through ETA 9002 reports and for Veterans' Employment and Training Services (VETS)-funded labor exchange services through VETS 200 reports. The Employment and Training (ET) Handbook No. 406 contains the report forms and provides instructions for completing these reports. The ETA Handbook No. 406 contains a total of eight reports (ETA 9002, A, B, C, D, E; VETS 200 A, B, C). The ETA 9002 and VETS 200 reports collect data on individuals who receive core employment and workforce information services through the public labor exchange and VETS-funded labor exchange of the states' One-Stop delivery systems. Respondents are State governments. Selected standardized information pertaining to customers in Wagner-Peyser programs are collected and reported for the purposes of general program oversight, evaluation and performance assessment. For additional information, see related notice published at Volume 73 FR 45075 on August 1, 2008.

Darrin A. King,

Departmental Clearance Officer.

[FR Doc. E9–3626 Filed 2–19–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

February 13, 2009.

The Department of Labor (DOL) hereby announces the submission of the following public information collection requests (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 each 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—ESA, 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: Employment Standards Administration.

Type of Review: Extension without change of a currently approved collection.

Title of Collection: Request to be Selected as Payee.

OMB Control Number: 1215–0166.

Agency Form Number: CM–910.

Affected Public: Individuals and Households.

Total Estimated Number of Respondents: 2,500.

Total Estimated Annual Burden Hours: 625.

Total Estimated Annual Costs Burden: $1,125.

Description: The Form CM–910, Request to be Selected as Payee, is used to obtain information about prospective representative payees to determine whether they are qualified to handle monetary benefits on behalf of the beneficiary under the Black Lung Benefits Act. For additional information, see related notice published at Volume 73 FR 61171 on October 15, 2008.

Agency: Employment Standards Administration.

Type of Review: Extension without change of a currently approved collection.

Title of Collection: Employment Under Special Certificates of Apprentices, Messengers and Learners (including Student Learners).

OMB Control Number: 1215–0192.

Agency Form Numbers: WH–205 and WH–209.

Affected Public: Private Sector—Businesses or other for-profits and Not-for-profit institutions.

Total Estimated Number of Respondents: 700.

Total Estimated Annual Burden Hours: 350.

Total Estimated Annual Costs Burden: $ 0.

Description: Employers who want to employ messengers/apprentices/learners at subminimum wages under the provisions of section 14(a) of the Fair Labor Standards Act must submit an application to the Department of Labor for authorization. Applications and records are reviewed by the Department of Labor to determine whether statutory and regulatory requirements have been met. For additional information, *see* related notice published at Volume 73 FR 58667 on October 7, 2008.

Darrin A. King,

Departmental Clearance Officer.

[FR Doc. E9–3628 Filed 2–19–09; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Office of the Secretary

Specific Delegation of Authority to the Deputy Assistant Secretary for Employment and Training

On February 13, 2009, I issued a memorandum to the Deputy Assistant Secretary for Employment and Training, delegating to him authority to enter into and terminate an agreement with any state or state agency to act as an agent of the United States to carry out provisions of the American Recovery and Reinvestment Act of 2009 related to federal additional compensation benefits. This delegation is effective immediately. A copy of that memorandum is annexed hereto as an Appendix.

FOR FURTHER INFORMATION CONTACT: Cheryl Atkinson, Director, Office of Workforce Security, Employment and Training Administration, 200 Constitution Ave., NW., Washington, DC 20210, telephone (202) 693–3172. This is not a toll-free number.

Signed at Washington, DC this 13th day of February, 2009.

Edward C. Hugler,

Acting Secretary of Labor.

Memorandum for: Douglas F. Small, Deputy Assistant Secretary, Employment and Training Administration.

From: Edward C. Hugler, Acting Secretary.

Subject: Specific Delegation of Authority to the Deputy Assistant Secretary for Employment and Training.

I hereby delegate to you, as Deputy Assistant Secretary for Employment and Training, the authority to enter into and terminate an agreement with any state or state agency to act as an agent of the United States to carry out provisions of the American Recovery and Reinvestment Act of 2009 related to federal additional compensation benefits. This delegation, which amends Secretary's Order 3–2009 (January 9, 2009), shall take effect immediately and shall remain in effect until superseded, but no later than March 31, 2009.

[FR Doc. E9–3642 Filed 2–19–09; 8:45 am]

BILLING CODE 4510–FW–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Information Collection Under OMB Review

AGENCY: National Aeronautics and Space Administration (NASA).

NOTICE: (09–011).

ACTION: Notice of information collection under OMB review.

SUMMARY: The National Aeronautics and Space Administration, 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 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 30 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Jasmeet Seehra, Desk Officer for NASA; Office of Information and Regulatory Affairs; Room 10236; New Executive Office Building; Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dr. Walter Kit, NASA Clearance Officer, NASA Headquarters, 300 E Street SW., JB0000, Washington, DC 20546, (202) 358–1350, *Walter.Kit-1@nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

NASA needs to collect racial and ethnic data information from on-line job applicants to determine if NASA's recruitment efforts are reaching all segments of the country, as required by Federal law.

II. Method of Collection

NASA will utilize an on-line job application system to collect information. There is no other information technology application available to reduce applicant burden.

III. Data

Title: NASA Voluntary On-Line Job Applicant Racial and Ethnic Data Collection.

OMB Number: 2700–XXXX.

Type of review: New Collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 40,000.

Estimated Number of Responses per Respondent: 1.

Estimated Time Per Response: 0.083 hour.

Estimated Total Annual Burden Hours: 3334 hours.

Estimated Total Annual Cost: $0.00.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Walter Kit,

NASA Clearance Officer.

[FR Doc. E9–3556 Filed 2–19–09; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Centennial Challenges 2009 Power Beaming and Tether Challenges

AGENCY: National Aeronautics and Space Administration (NASA).

NOTICE: (09–012).

ACTION: Notice of Centennial Challenges 2009 Power Beaming and Tether Challenges.

SUMMARY: This notice is issued in accordance with 42 U.S.C. 2459f–1(d). The 2009 Power Beaming and Tether Challenges are now scheduled and teams that wish to compete may now register. The NASA Centennial Challenges Program is a program of prize contests to stimulate innovation and competition in space exploration and ongoing NASA mission areas. The 2009 Power Beaming Challenge is a prize contest designed to promote the development of new power distribution technologies. The 2009 Tether Challenge is a prize contest designed to develop very strong tether material for use in various structural applications. The Spaceward Foundation is administering both Challenges for NASA.

DATES: The 2009 Power Beaming and Tether Challenges will be held from April 29 through May 1, 2009.

ADDRESSES: The 2009 Power Beaming and Tether Challenges will be held at the Innovative Science and Technology Experimental Facility (ISTEF), Kennedy Space Center, FL 32899.

FOR FURTHER INFORMATION CONTACT: To register for and get additional information regarding the 2009 Power Beaming and Tether Challenges, visit: *http://www.spaceward.org/* or contact Mr. Ben Shelef at the Spaceward Foundation, 725 N. Shoreline Blvd., Mountain View, CA 94043, Phone: 650–965–2900. Questions and comments regarding the NASA Centennial Challenges Program should be addressed to Mr. Andrew Petro, NASA Headquarters, Suite 6J79, 300 E Street, SW., Washington, DC 20546, Phone: 202–358–0310. The Centennial Challenges Web site is *http://centennialchallenges.nasa.gov/*.

SUPPLEMENTARY INFORMATION: The maximum prize purse available for the 2009 Power Beaming Challenge is $2,000,000. The maximum prize purse available for the 2009 Tether Challenge is $2,000,000. NASA prizes can only be awarded to U.S. citizens. Additional information regarding the challenges including rules, team agreements, eligibility, and prize criteria can be found at: *http://www.spaceward.org/*.

Dated: February 13, 2009.

Douglas A. Comstock,

Director, Innovative Partnerships Program Office.

[FR Doc. E9–3712 Filed 2–19–09; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meeting:

Name: Site Visit review of the Partnership for Research and Education in Materials (PREM) at The University of New Mexico, Albuquerque NM, #1203.

Dates & Times:

March 26, 2009; 7:45 a.m.–9 p.m.
March 27, 2009; 8 a.m.–3:30 p.m.

Place: The University of New Mexico, Albuquerque, NM.

Type of Meeting: Part-open.

Contact Person: Dr. William Brittain, Program Director, Materials Research Science and Engineering Centers Program, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292–5039.

Purpose of Meeting: To provide advice and recommendations concerning further support of the PREM at The University of New Mexico, Albuquerque, NM.

Agenda:

Thursday, March 26, 2009

7:45 a.m.–9 a.m. Closed—Executive Session.

9 a.m.–4 p.m. Open—Review of The University of New Mexico PREM.

4 p.m.–6 p.m. Closed—Executive Session.

6 p.m.–9 p.m. Open—Poster Session and Dinner.

Friday, March 27, 2009

8 a.m.–9 a.m. Closed—Executive session.

9 a.m.–10 a.m. Open—Review of the Harvard MRSEC.

10 a.m.–3:30 p.m. Closed—Executive Session, Draft and Review Report.

Reason for Closing: The work being reviewed may include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 17, 2009.

Susanne Bolton,

Committee Management Officer.

[FR Doc. E9–3619 Filed 2–19–09; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meeting:

Name: Site Visit review of the Partnership for Research and Education in Materials (PREM) at California State University at Northridge, Northridge, CA, #1203.

Dates & Times:

March 30, 2009; 7:45 a.m.–9 p.m.
March 31, 2009; 8 a.m.–3:30 p.m.

Place: California State University at Northridge, Northridge CA.

Type of Meeting: Part-open.

Contact Person: Dr. Thomas Rieker, Program Director, Materials Research Science and Engineering Centers Program, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292–4914.

Purpose of Meeting: To provide advice and recommendations concerning further support of the PREM at California State University at Northridge, Northridge, CA.

Agenda:

Monday, March 30, 2009

7:45 a.m.–9 a.m. Closed—Executive Session.

9 a.m.–4 p.m. Open—Review of the Cal State Northridge PREM.

4 p.m.–6 p.m. Closed—Executive Session.

6 p.m.–9 p.m. Open—Poster Session and Dinner.

Tuesday, March 31, 2009

8 a.m.–9 a.m. Closed—Executive session.

9 a.m.–10 a.m. Open—Review of the Princeton MRSEC.

10 a.m.–3:30 p.m. Closed—Executive Session, Draft and Review Report.

Reason for Closing: The work being reviewed may include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 17, 2009.

Susanne Bolton,

Committee Management Officer.

[FR Doc. E9–3620 Filed 2–19–09; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Call for Nominations

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Call for nominations.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is advertising for nominations for the radiation oncologist position on the Advisory Committee on the Medical Uses of Isotopes (ACMUI). Nominees should currently be practicing radiotherapy using Gamma Knife®.

DATES: Nominations are due on or before April 21, 2009.

Nomination Process: Submit an electronic copy of resume or curriculum vitae to Ms. Ashley Tull, *ashley.tull@nrc.gov.* Please ensure that resume or curriculum vitae include the following information, if applicable: education; certification; professional association membership and committee membership activities; duties and responsibilities in current and previous clinical, research, and/or academic position(s).

FOR FURTHER INFORMATION CONTACT: Ms. Ashley Tull, U.S. Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs; (240) 888–7129; *ashley.tull@nrc.gov.*

SUPPLEMENTARY INFORMATION: The ACMUI advises NRC on policy and technical issues that arise in the regulation of the medical use of byproduct material. Responsibilities include providing comments on changes to NRC rules, regulations, and guidance documents; evaluating certain non-routine uses of byproduct material; providing technical assistance in licensing and inspections; and bringing key issues to the attention of NRC, for appropriate action.

ACMUI members possess the medical and technical skills needed to address evolving issues. The current membership is comprised of the following professionals: (a) Nuclear medicine physician; (b) nuclear cardiologist; (c) nuclear medicine physicist; (d) therapy medical physicist; (e) radiation safety officer; (f) nuclear pharmacist; (g) two radiation oncologists; (h) patients' rights advocate; (i) Food and Drug Administration representative; (j) Agreement State representative; and (k) health care administrator.

NRC is inviting nominations for the radiation oncologist appointment to the ACMUI, and nominees should currently be practicing radiotherapy using Gamma Knife(r). The term of the individual currently occupying the position will end September 30, 2009. Committee members currently serve a four-year term and may be considered for reappointment to an additional term.

Nominees must be U.S. citizens and be able to devote approximately 160 hours per year to Committee business. Members who are not Federal employees are compensated for their service. In addition, members are reimbursed travel (including per-diem in lieu of subsistence) and are reimbursed secretarial and correspondence expenses. Full-time Federal employees are reimbursed travel expenses only.

Security Background Check: The selected nominee will undergo a thorough security background check. Security paperwork may take the nominee several weeks to complete. Nominees will also be required to complete a financial disclosure statement to avoid conflicts of interest.

Dated at Rockville, Maryland this 13th day of February 2009.

For the U.S. Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. E9–3630 Filed 2–19–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–11686; NRC–2009–0063]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 45–16818–01 for Termination of the License and Unrestricted Release of Mary Washington College's Facility in Fredericksburg, VA

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

FOR FURTHER INFORMATION CONTACT: Dennis Lawyer, Health Physicist, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania; telephone 610–337–5366; fax number 610–337–5269 or by e-mail: *dennis.lawyer@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Byproduct Materials License No. 45–16818–01. This license is held by Mary Washington College, Department of Biological Sciences (the Licensee), for its Jepson Hall, Room 304, located on the Campus of Mary Washington College near the corner of College Avenue and Jefferson Davis Highway in Fredericksburg, Virginia (the Facility). Issuance of the amendment would authorize release of the Facility for unrestricted use and termination of the NRC license. The Licensee requested this action in a letter dated December 11, 2008, and a January 5, 2009 response to an information request. The NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of Title 10, *Code of Federal Regulations* (CFR), Part 51 (10 CFR Part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to the proposed action. The amendment will be issued to the Licensee following the publication of this FONSI and EA in the **Federal Register**.

II. Environmental Assessment

Identification of Proposed Action

The proposed action would approve the Licensee's December 11, 2008, license amendment request, resulting in release of the Facility for unrestricted use and termination of its NRC materials license. License No. 45–16818–01 was issued on May 20, 1976, pursuant to 10 CFR Part 30, and has been amended periodically since that time. This license authorized the Licensee to use unsealed byproduct material for purposes of conducting research and development activities on laboratory bench tops and in hoods.

The Facility is situated within a 75,000 square foot building and consists of classrooms, office space, and laboratories. The Facility is located on a university campus which is surrounded by a residential area. Within the Facility, use of licensed materials was confined to a 150 square foot room.

On December 1, 2005, the Licensee ceased licensed activities and initiated a survey and decontamination of the Facility. Based on the Licensee's historical knowledge of the site and the conditions of the Facility, the Licensee determined that only routine decontamination activities, in accordance with their NRC-approved, operating radiation safety procedures, were required. The Licensee was not required to submit a decommissioning plan to the NRC because worker cleanup activities and procedures are consistent with those approved for routine operations. The Licensee conducted surveys of the Facility and provided information to the NRC to demonstrate that it meets the criteria in Subpart E of 10 CFR Part 20 for unrestricted release and for license termination.

Need for the Proposed Action

The Licensee has ceased conducting licensed activities at the Facility, and seeks the unrestricted use of its Facility and the termination of its NRC materials license. Termination of its license would end the Licensee's obligation to pay annual license fees to the NRC.

Environmental Impacts of the Proposed Action

The historical review of licensed activities conducted at the Facility shows that such activities involved use of hydrogen-3 which has a half-life greater than 120 days. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas of the Facility affected by this radionuclide.

The Licensee conducted a final status survey on December 11, 2008, and in January 2009. This survey covered Room 304 of Jepson Hall. The final status survey report was attached to the Licensee's amendment request dated December 11, 2008 and the response letter dated January 5, 2009. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by using the screening approach described in NUREG–1757, ''Consolidated NMSS Decommissioning Guidance,'' Volume 2. The Licensee used the radionuclide-specific derived concentration guideline levels (DCGLs), developed there by the NRC, which comply with the dose criterion in 10 CFR 20.1402. These DCGLs define the maximum amount of residual radioactivity on building surfaces, equipment, and materials that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The Licensee's final status survey results were below these DCGLs and are in compliance with the As Low As Reasonably Achievable (ALARA) requirement of 10 CFR 20.1402. The NRC thus finds that the Licensee's final status survey results are acceptable.

Based on its review, the staff has determined that the affected environment and any environmental impacts associated with the proposed action are bounded by the impacts evaluated by the ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities'' (NUREG–1496) Volumes 1–3 (ML042310492, ML042320379, and ML042330385). The Licensee also considered and appropriately accounted for the dose contribution from previous site releases. The staff finds there were no significant environmental impacts from the use of radioactive material at the Facility. The NRC staff reviewed the docket file records and the final status survey report to identify any non-radiological hazards that may have impacted the environment surrounding the Facility. No such hazards or impacts to the environment were identified. The NRC has identified no other radiological or non-radiological activities in the area that could result in cumulative environmental impacts.

The NRC staff finds that the proposed release of the Facility for unrestricted use and the termination of the NRC materials license is in compliance with 10 CFR 20.1402 including the impact of residual radioactivity at previously-released site locations of use. Based on its review, the staff considered the impact of the residual radioactivity at the Facility and concluded that the proposed action will not have a significant effect on the quality of the human environment.

Environmental Impacts of the Alternatives to the Proposed Action

Due to the largely administrative nature of the proposed action, its environmental impacts are small. Therefore, the only alternative the staff considered is the no-action alternative, under which the staff would leave things as they are by simply denying the amendment request. This no-action alternative is not feasible because it conflicts with 10 CFR 30.36(d), requiring that decommissioning of byproduct material facilities be completed and approved by the NRC after licensed activities cease. The NRC's analysis of the Licensee's final status survey data confirmed that the Facility meets the requirements of 10 CFR 20.1402 for unrestricted release and for license termination. Additionally, denying the amendment request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the no-action alternative are therefore similar, and the no-action alternative is accordingly not further considered.

Conclusion

The NRC staff has concluded that the proposed action is consistent with the NRC's unrestricted release criteria specified in 10 CFR 20.1402. Because the proposed action will not significantly impact the quality of the human environment, the NRC staff concludes that the proposed action is the preferred alternative.

Agencies and Persons Consulted

NRC provided a draft of this Environmental Assessment to the Commonwealth of Virginia Department of Health for review on January 13, 2009. On January 15, 2009, the Commonwealth of Virginia Department of Health responded by electronic mail. The Commonwealth agreed with the conclusions of the EA and otherwise had no comments.

The NRC staff has determined that the proposed action is of a procedural nature, and will not affect listed species or critical habitat. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. The NRC staff has also determined that the proposed action is not the type of activity that has the potential to cause effects on historic properties. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

III. Finding of No Significant Impact

The NRC staff has prepared this EA in support of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

IV. Further Information

Documents related to this action, including the application for license amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The documents related to this action are listed below, along with their ADAMS accession numbers.

1. NUREG–1757, ''Consolidated NMSS Decommissioning Guidance;''
2. Title 10 *Code of Federal Regulations,* Part 20, Subpart E, ''Radiological Criteria for License Termination;''
3. Title 10, *Code of Federal Regulations,* Part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;''
4. NUREG–1496, ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities;''
5. Mary Washington College Termination Request Letter dated December 11, 2008 (ML083640157); and
6. Mary Washington College Additional Information Letter dated January 5, 2009 (ML090090112).

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *PDR.Resource@nrc.gov.* These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Region I, 475 Allendale Road, King of Prussia this 11th day of February 2009.

For the Nuclear Regulatory Commission.

James P. Dwyer,

Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I.

[FR Doc. E9–3623 Filed 2–19–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[IA–08–022; NRC–2009–0067]

In the Matter of Dhiraj Soni; Order Prohibiting Involvement in NRC-Licensed Activities

I

Dhiraj Soni is the former Vice President of Eastern Testing and Inspection, Inc. (ETI) (Licensee) in Thorofare, New Jersey. ETI holds License No. 29–09814–01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 30 in 1964. The license authorizes possession and use of sealed radioactive sources for use in radiographic exposure devices and in portable gauge devices, and possession and use of radioactive material for shielding for radiographic and source changer equipment in accordance with the conditions specified therein.

II

An investigation of licensed activities was conducted by the NRC Office of Investigations (OI) at the Licensee's facility in Thorofare, New Jersey. The OI investigation was completed on October 26, 2007. The investigation was conducted, in part, to determine whether ETI deliberately provided the NRC inaccurate information related to compliance with an NRC Order issued to ETI (ETI Order) and contrary to 10 CFR 30.9, ''Completeness and accuracy of information.'' Based on information from the investigation, inspection, and after review of a written response from Dhiraj Soni, the NRC concluded that Dhiraj Soni was in violation of 10 CFR 30.10, ''Deliberate misconduct,'' by deliberately causing ETI to be in violation of 10 CFR 30.9 when he provided inaccurate information to the company that was, in turn, provided to the NRC on behalf of ETI to demonstrate actions toward compliance with the ETI Order. The NRC also concluded that Dhiraj Soni was in violation of 10 CFR 30.10 by deliberately providing inaccurate information in verbal statements made to an NRC inspector on September 20, 2006.

During the investigation, Dhiraj Soni gave inconsistent statements in his sworn testimony regarding his actions at issue. Further, the sworn testimony of law enforcement officers and an NRC inspector contradict the exculpatory testimony and statements of Dhiraj Soni. Due to Dhiraj Soni's inconsistent statements and the consistent statements of law enforcement officers and the NRC inspector, the NRC does

not credit Dhiraj Soni's statements as an accurate portrayal of the events at issue.

III

Based on the above, the NRC concluded that Dhiraj Soni, a Licensee official, specifically the Vice President of the Licensee at the time of the violations, engaged in deliberate misconduct that caused the Licensee, ETI, to be in violation of 10 CFR 30.9, ''Completeness and accuracy of information'' in two separate communications to the NRC regarding its actions toward compliance with the ETI Order. As such, Dhiraj Soni was in violation of 10 CFR 30.10, ''Deliberate misconduct,'' which states, in part, that any Licensee or employee of a Licensee may not engage in deliberate misconduct that causes a Licensee to be in violation of any rule, regulation, or order issued by the Commission. Dhiraj Soni also engaged in deliberate misconduct in violation of 10 CFR 30.10 by deliberately providing inaccurate information in verbal statements made to an NRC inspector on September 20, 2006.

The NRC must be able to rely on the Licensee and its employees to comply with NRC requirements, including the requirement to provide complete and accurate information at all times. Dhiraj Soni's action in causing the Licensee to violate 10 CFR 30.9, and in his violation of 10 CFR 30.10, raises serious doubt as to whether he can be relied upon to comply with NRC requirements.

Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements and that the public health, safety, and interest of the public will be protected if Dhiraj Soni were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Dhiraj Soni be prohibited from any involvement in NRC-licensed activities for a period of one year from the effective date of this Order.

IV

Accordingly, pursuant to sections 81, 161b, 161i, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR 30.10, and 10 CFR 150.20, *it is hereby ordered that:*

1. Dhiraj Soni is prohibited for one year from the date of the effectiveness of this Order from engaging in NRC-licensed activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20.

2. If Dhiraj Soni is currently involved with another entity involved in NRC-licensed activities, he must immediately cease those activities, and inform the NRC of the name, address and telephone number of that entity, and provide a copy of this Order to the entity.

The Director, OE, may, in writing, relax or rescind any of the above conditions upon demonstration by Dhiraj Soni of good cause.

V

In accordance with 10 CFR 2.202, Dhiraj Soni must submit an answer to this Order within 20 days of its issuance. If security-related information is included in the response, please mark the entire response, ''Security-Related Information—Withhold Under 10 CFR 2.390.'' If the response does not contain any sensitive, security-related information, the NRC will make the response publicly available. Further, to the extent possible, any response provided should not include any personal privacy or proprietary information. In addition, Dhiraj Soni and any other person adversely affected by this Order may request a hearing on this Order within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, and include a statement of good cause for the extension.

The answer shall be in writing and under oath and affirmation. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall specifically admit or deny each allegation or charge made in this Order and shall set for the matters of fact and law on which Dhiraj Soni or other person adversely affected relies on the reasons as to why the Order should not have been issued. Any answer to this Order shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, *Attn:* Rulemakings and Adjudications Staff, Washington, DC 20555–0001. Copies shall also be sent to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; the Assistant General Counsel for Materials Litigation and Enforcement at the same address; Region Administrator, NRC Region I, 475 Allendale Road, King of Prussia, PA 19406–1415. A copy of the answer shall be provided to Dhiraj Soni, if the answer is by a person other than Dhiraj Soni.

If a hearing request is submitted, the NRC will make the request publicly available. Therefore, the request should not include any security-related, personal, proprietary, or other sensitive information in the hearing request, or, in the alternative, provide a redacted copy of the hearing request that does not include such information. A copy of the hearing request shall be provided to Dhiraj Soni by the requester, if the request is made by a person other than Dhiraj Soni.

A request for a hearing must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August, 2007, 72 FR 49,139 (Aug. 28, 2007). The E-Filing process requires participants to submit and serve documents over the internet or, in some cases, to mail copies on electronic optical storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements associated with E-Filing, at least five (5) days prior to the filing deadline the requestor must contact the Office of the Secretary by e-mail at *HEARINGDOCKET@NRC.GOV*, or by calling (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any NRC proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances when the requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html.* Information about applying for a digital ID certificate also is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.*

Once a requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for a hearing through EIE. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the filer submits its document through EIE. To be timely, electronic filings must be submitted to the EIE system no later than 11:59 p.m.

Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, any others who wish to participate in the proceeding (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request is filed so that they may obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html* or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397–4209 or locally, (301) 415–4737.

Participants who believe that they have good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, *Attention:* Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville, Pike, Rockville, Maryland, 20852, *Attention:* Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp*, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, Participants are requested not to include copyrighted materials in their works.

If a person other than the Dhiraj Soni requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by Dhiraj Soni or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Dhiraj Soni, or any other person adversely affected by this Order, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error. The motion must state with particularity the reasons why the order is not based on adequate evidence and must be accompanied by affidavits or other evidence relied on.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated this 10th day of February 2009.

For the Nuclear Regulatory Commission.

Cynthia A. Carpenter,

Director, Office of Enforcement.

[FR Doc. E9–3627 Filed 2–19–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[IA–08–023; NRC–2009–0068]

In the Matter of Himat Soni; Order Prohibiting Involvement In NRC-Licensed Activities

I

Himat Soni is the President and part owner of Eastern Testing and Inspection, Inc. (ETI) (Licensee) in Thorofare, New Jersey. ETI holds License No. 29–09814–01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 30 in 1964. The license authorizes possession and use of sealed radioactive sources for use in radiographic exposure devices and in portable gauge devices, and possession and use of radioactive material for shielding for radiographic and source changer equipment in accordance with the conditions specified therein. Himat Soni is listed on the license as the Radiation Safety Officer.

II

An investigation of licensed activities was conducted by the NRC Office of Investigations (OI) at ETI's facility at Thorofare, New Jersey. The OI investigation was completed on October 26, 2007. The investigation was conducted, in part, to determine whether a deliberate violation of an NRC Order issued to ETI (ETI Order), required to be met by May 13, 2006, occurred. Based on information from the investigation, inspection, and after review of a written response from Himat Soni, the NRC concluded that Himat Soni deliberately caused ETI to be in violation of the ETI Order, from May 13, 2006 to November 17, 2006.

As required by the ETI Order, Himat Soni signed an ETI letter that acknowledged the requirements of the ETI Order and specifically addressed the status and anticipated compliance date of May 1, 2006 for those requirements where ETI was only in partial compliance, which included the requirement at issue. In addition, in sworn testimony by Himat Soni, he stated that he understood the ETI Order requirements and date of compliance. He was also informed by a Department of Energy contractor, in a letter dated April 20, 2006, about necessary actions to meet compliance by the May 13, 2006 date. Additionally, Himat Soni was informed by an NRC inspector, in September 2006, of the need to achieve compliance with the requirement found to be in violation. However, Himat Soni deliberately caused ETI, on May 13,

2006, to be in non-compliance, and he deliberately caused ETI to continue to remain in violation of the ETI Order until November 17, 2006, when licensed radioactive material was removed from the ETI licensed facility.

III

Based on the above, the NRC concluded that Himat Soni, President and RSO of the Licensee, engaged in deliberate misconduct that caused the Licensee to be in violation of an NRC Order issued to ETI, and as such, Himat Soni was in violation of 10 CFR 30.10, which states, in part, that any Licensee or employee of a Licensee may not engage in deliberate misconduct that causes a Licensee to be in violation of any rule, regulation, or order issued by the Commission.

The NRC must be able to rely on the Licensee and its employees to comply with NRC requirements, including the requirement to comply with NRC orders. Himat Soni's action in causing the Licensee to violate an NRC Order raises serious doubt as to whether he can be relied upon to comply with NRC requirements.

Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements and that the health, safety, and interest of the public will be protected if Himat Soni were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Himat Soni be prohibited from any involvement in NRC-licensed activities for a period of one year from the effective date of this Order.

IV

Accordingly, pursuant to sections 81, 161b, 161i, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR 30.10, and 10 CFR 150.20, *it is hereby ordered that:*

1. Himat Soni is prohibited for one year from the date of the effectiveness of this Order from engaging in NRC-licensed activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20.

2. If Himat Soni is currently involved with another entity involved in NRC-licensed activities, he must immediately cease those activities, and inform the NRC of the name, address and telephone number of that entity, and provide a copy of this Order to the entity.

The Director, OE, may, in writing, relax or rescind any of the above conditions upon demonstration by Himat Soni of good cause.

V

In accordance with 10 CFR 2.202, Himat Soni must submit an answer to this Order within 20 days of its issuance. If sensitive, security-related information is included in the response, please mark the entire response, ''Security-Related Information—Withhold Under 10 CFR 2.390.'' If the response does not contain any sensitive, security-related information, the NRC will make the response publicly available. Further, to the extent possible, any response provided should not include any personal privacy or proprietary information. In addition, Himat Soni and any other person adversely affected by this Order may request a hearing on this Order within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, and include a statement of good cause for the extension.

The answer shall be in writing and under oath and affirmation. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Himat Soni or other person adversely affected relies on the reasons as to why the Order should not have been issued. Any answer shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, *Attn:* Rulemakings and Adjudications Staff, Washington, DC 20555–0001. Copies shall also be sent to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; the Assistant General Counsel for Materials Litigation and Enforcement at the same address; Region Administrator, NRC Region I, 475 Allendale Road, King of Prussia, PA 19406–1415. A copy of the answer shall be provided to Himat Soni, if the answer is provided by a person other than Himat Soni.

If a hearing request is submitted, the NRC will make the request publicly available. Therefore, the request should not include any security-related, personal, proprietary, or other sensitive information in the hearing request, or, in the alternative, provide a redacted copy of the hearing request that does not include such information. A copy of the hearing request shall be provided to Himat Soni by the requester, if the request is made by a person other than Himat Soni.

A request for a hearing must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August 2007, 72 FR 49,139 (Aug. 28, 2007). The E-Filing process requires participants to submit and serve documents over the internet or, in some cases, to mail copies on electronic optical storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements associated with E-Filing, at least five (5) days prior to the filing deadline the requestor must contact the Office of the Secretary by e-mail at *HEARINGDOCKET@NRC.GOV,* or by calling (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any NRC proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances when the requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html.* Information about applying for a digital ID certificate also is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.*

Once a requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for a hearing through EIE. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the filer submits its document through EIE. To be timely, electronic filings must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the

General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, any others who wish to participate in the proceeding (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request is filed so that they may obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html* or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397–4209 or locally, (301) 415–4737.

Participants who believe that they have good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first-class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, *Attention:* Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, *Attention:* Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp*, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, Participants are requested not to include copyrighted materials in their works.

If a person other than Himat Soni requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by Himat Soni or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Himat Soni, or any other person adversely affected by this Order, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error. The motion must state with particularity the reasons why the order is not based on adequate evidence and must be accompanied by affidavits or other evidence relied on.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. *An answer or a request for hearing shall not stay the immediate effectiveness of this order.*

Dated this 10th day of February 2009.

For the Nuclear Regulatory Commission.

Cynthia A. Carpenter,

Director, Office of Enforcement.

[FR Doc. E9–3625 Filed 2–19–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–012 and 52–013; NRC–2008–0091]

South Texas Project Nuclear Operating Company Application for the South Texas Project Units 3 and 4; Notice of Order, Hearing, and Opportunity To Petition for Leave To Intervene

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, ''Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders,'' 10 CFR part 50, ''Domestic Licensing of Production and Utilization Facilities,'' and 10 CFR part 52, ''Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Plants,'' notice is hereby given that a hearing will be held, at a time and place to be set in the future by the U.S. Nuclear Regulatory Commission (NRC, the Commission) or designated by the Atomic Safety and Licensing Board (Board). The hearing will consider the application dated September 20, 2007, filed by South Texas Project Nuclear Operating Company (STPNOC) on behalf of itself and its joint applicants, pursuant to Subpart C of 10 CFR Part 52 for a combined license (COL). The application, which was supplemented or revised by letters dated September 26, 2007; October 15, 2007; October 18, 2007; November 8, 2007; November 12, 2007; November 13, 2007; November 21, 2007; January 31, 2008; and September 24, 2008, requests approval of a COL for South Texas Project Units 3 and 4 located in Matagorda County, Texas. The application was accepted for docketing on November 29, 2007. The docket numbers established for this application are 52–012 and 52–013. The South Texas Unit 3 and 4 COL application incorporates by reference, Revision 4, Advanced Boiling Water Reactor (ABWR) design approved in 1997 by the NRC in Appendix A to 10 CFR Part 52.

On December 19, 2007, the staff forwarded, to the Office of the Federal Register, a Notice of Hearing and Opportunity for Leave to Intervene on a Combined License for the South Texas Project Units 3 and 4. By Order dated February 13, 2008, the Commission withdrew that Notice stating that, ''the Commission will republish a notice of opportunity for hearing on the Application when the staff is informed, as requested in its January 15, 2008, correspondence to Mr. Mark [McBurnett], Vice President Regulatory Affairs, that South Texas Nuclear

Operating Company is prepared to support a review of the complete COL Application.'' By letter dated August 19, 2008, STPNOC submitted a summary of its assessment of its vendor's ability to supply the ABWR design. STPNOC has informed the NRC by letter dated January 15, 2009, that it is prepared to support a review of the complete COL application. The staff has determined that a review of the complete COL application can recommence including the issuance of a notice of hearing.

The hearing on the COL application will be conducted by a Board that will be designated by the Chairman of the Atomic Safety and Licensing Board Panel or will be conducted by the Commission. Notice as to the membership of the Board will be published in the **Federal Register** at a later date. The NRC staff will complete a detailed technical review of the COL application and will document its findings in a safety evaluation report (SER). The Commission will refer a copy of the COL application to the Advisory Committee on Reactor Safeguards (ACRS) in accordance with 10 CFR 52.87, ''Referral to the Advisory Committee on Reactor Safeguards (ACRS),'' and the ACRS will report on those portions of the application that concern safety. The NRC staff will also prepare an Environmental Impact Statement, as required by 10 CFR 51.20(b)(2).

Any person whose interest may be affected by this proceeding and who desires to participate as a party to this proceeding, must file a written petition for leave to intervene in accordance with 10 CFR 2.309. Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

A petition for leave to intervene must be filed no later than 60 days from the date of publication of this notice in the **Federal Register**. Non-timely filings will not be entertained absent a determination by the Commission or presiding officer designated to rule on the petition, pursuant to the requirements of 10 CFR 2.309(c)(1)(i)–(viii).

All documents filed in NRC adjudicatory proceedings, including petitions to intervene and requests to participate as an interested government entity under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule, which was promulgated by the NRC on August 28, 2007 (72 FR 49139). The E-Filing process requires participants to submit and serve documents over the internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the petitioner must contact the Office of the Secretary by e-mail at *HearingDocket@nrc.gov*, or by calling (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each participant will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html*. Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html*.

Once a participant has obtained a digital ID certificate, had a docket created, and downloaded to the EIE viewer, it can then submit a petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html*. A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a petition to intervene is filed so that they can obtain access to the document via the E-Filing system. A person filing electronically may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html* or by calling the NRC Meta-System Help Desk, which is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday. The Meta-System Help Desk can be contacted by telephone at 1–866–672–7640 or by e-mail at *MSHD.Resource@nrc.gov*.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition should be granted and/or the contentions should be admitted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i) through (c)(viii). To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp*, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited

excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Any person who files a motion pursuant to 10 CFR 2.323 must consult with counsel for the applicant and counsel for the NRC staff who are listed below. Counsel for the applicant is Steven P. Frantz, 202–739–5460, *sfrantz@morganlewis.com*. Counsel for the NRC staff in this proceeding is Sara Brock, (301) 415–8393, *Sara.Brock@nrc.gov*.

A person who is not a party may be permitted to make a limited appearance by making an oral or written statement of his or her position on the issues at any session of the hearing or any pre-hearing conference within the limits and conditions fixed by the presiding officer, but may not otherwise participate in the proceeding.

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and will be accessible electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link at the NRC Web site *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS or who encounter problems in accessing documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov*. The application is available at *http://www.nrc.gov/reactors/new-reactors/col/southtexas.html*. The ADAMS accession number for the original COL application transmittal letter is ML072850066. The ADAMS accession numbers for the supplements and revisions to the application are ML072740461, ML072960352, ML072960489, ML073190645, ML073340618, ML073200992, ML073310616, ML080700763, ML082730700, and ML082830938. To search for documents in ADAMS using the South Texas Unit 3 and 4 COL application docket numbers, 52–012 and 52–013, enter the term ''05200012'' in the ''Docket Number'' field when using either the Web-based search (advanced search) engine or the ADAMS find tool in Citrix. The ABWR design certification can be found by going to *http://www.nrc.gov/reactors/new-licensing/design-cert/abwr.html*. Documents related to the ABWR design certification can be located by accessing our ADAMS Advanced Web Search and entering ''0500065'' (for older documents) or ''05200001'' (for more recent documents) in the ''Docket Number'' field. Some of the documents contain information that is sensitive and these supplements are not available to the public.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation

1. This order contains instructions regarding how potential parties to this proceeding may request access to documents containing sensitive unclassified information (including Sensitive Unclassified Non-Safeguards Information (SUNSI) and Safeguards Information (SGI)).

2. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party as defined in 10 CFR 2.4 who believes access to SUNSI or SGI is necessary for a response to the notice may request access to SUNSI or SGI. A ''potential party'' is any person who intends or may intend to participate as a party by demonstrating standing and the filing of an admissible contention under 10 CFR 2.309. Requests submitted later than 10 days will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

3. The requester shall submit a letter requesting permission to access SUNSI and/or SGI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The e-mail address for the Office of the Secretary and the Office of the General Counsel are *HearingDocket@nrc.gov* and *OGCmail@nrc.gov,* respectively.[1] The request must include the following information:

a. A description of the licensing action with a citation to this **Federal Register** notice of hearing and opportunity to petition for leave to intervene;

b. The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in (a);

c. If the request is for SUNSI, the identity of the individual requesting access to SUNSI and the requester's need for the information in order to meaningfully participate in this adjudicatory proceeding, particularly why publicly available versions of the application would not be sufficient to provide the basis and specificity for a proffered contention;

d. If the request is for SGI, the identity of the individual requesting access to SGI and the identity of any expert, consultant or assistant who will aid the requester in evaluating the SGI, and information that shows:

(i) Why the information is indispensable to meaningful participation in this licensing proceeding; and

(ii) The technical competence (demonstrable knowledge, skill, experience, training or education) of the requester to understand and use (or evaluate) the requested information to provide the basis and specificity for a proffered contention. The technical competence of a potential party or its counsel may be shown by reliance on a qualified expert, consultant or assistant who demonstrates technical competence as well as trustworthiness and reliability, and who agrees to sign a non-disclosure affidavit and be bound by the terms of a protective order; and

e. If the request is for SGI, Form SF–85, ''Questionnaire for Non-Sensitive Positions,'' Form FD–258 (fingerprint card), and a credit check release form completed by the individual who seeks access to SGI and each individual who will aid the requester in evaluating the SGI. For security reasons, Form SF–85 can only be submitted electronically, through a restricted-access database. To obtain online access to the form, the requester should contact the NRC's Office of Administration at 301–492–3524.[2] The other completed forms must be signed in original ink, accompanied by a check or money order payable in the amount of $191.00 to the U.S. Nuclear Regulatory Commission for each individual, and mailed to the U.S. Nuclear Regulatory Commission, Office of Administration, Security Processing

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI and/or SGI under these procedures should be submitted as described in this paragraph.

[2] The requester will be asked to provide his or her full name, social security number, date and place of birth, telephone number, and email address. After providing this information, the requester usually should be able to obtain access to the online form within one business day.

Unit, Mail Stop TWB–05 B32M, Washington, DC 20555–0012.

These forms will be used to initiate the background check, which includes fingerprinting as part of a criminal history records check. Note: Copies of these forms do not need to be included with the request letter to the Office of the Secretary, but the request letter should state that the forms and fees have been submitted as described above.

4. To avoid delays in processing requests for access to SGI, all forms should be reviewed for completeness and accuracy (including legibility) before submitting them to the NRC. Incomplete packages will be returned to the sender and will not be processed.

5. Based on an evaluation of the information submitted under items 2 and 3.a through 3.d, above, the NRC staff will determine within 10 days of receipt of the written access request whether (1) there is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding, and (2) there is a legitimate need for access to SUNSI or need to know the SGI requested. For SGI, the need to know determination is made based on whether the information requested is necessary (*i.e.*, indispensable) for the proposed recipient to proffer and litigate a specific contention in this NRC proceeding [3] and whether the proposed recipient has the technical competence (demonstrable knowledge, skill, training, education, or experience) to evaluate and use the specific SGI requested in this proceeding.

6. If standing and need to know SGI are shown, the NRC staff will further determine based upon completion of the background check whether the proposed recipient is trustworthy and reliable. The NRC staff will conduct (as necessary) an inspection to confirm that the recipient's information protection systems are sufficient to protect SGI from inadvertent release or disclosure. Recipients may opt to view SGI at the NRC's facility rather than establish their own SGI protection program to meet SGI protection requirements.

7. A request for access to SUNSI or SGI will be granted if:

a. The request has demonstrated that there is a reasonable basis to believe that a potential party is likely to establish standing to intervene or to otherwise participate as a party in this proceeding;

b. The proposed recipient of the information has demonstrated a need for SUNSI or a need to know for SGI, and that the proposed recipient of SGI is trustworthy and reliable;

c. The proposed recipient of the information has executed a Non-Disclosure Agreement or Affidavit and agrees to be bound by the terms of a Protective Order setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI and/or SGI; and

d. The presiding officer has issued a protective order concerning the information or documents requested.[4] Any protective order issued shall provide that the petitioner must file SUNSI or SGI contentions 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI or SGI contentions by that later deadline.

8. If the request for access to SUNSI or SGI is granted, the terms and conditions for access to sensitive unclassified information will be set forth in a draft protective order and affidavit of non-disclosure appended to a joint motion by the NRC staff, any other affected parties to this proceeding,[5] and the petitioner(s). If the diligent efforts by the relevant parties or petitioner(s) fail to result in an agreement on the terms and conditions for a draft protective order or non-disclosure affidavit, the relevant parties to the proceeding or the petitioner(s) should notify the presiding officer within 5 days, describing the obstacles to the agreement.

9. If the request for access to SUNSI is denied by the NRC staff or a request for access to SGI is denied by NRC staff either after a determination on standing and need to know or, later, after a determination on trustworthiness and reliability, the NRC staff shall briefly state the reasons for the denial. Before the Office of Administration makes an adverse determination regarding access, the proposed recipient must be provided an opportunity to correct or explain information. The requester may challenge the NRC staff's adverse determination with respect to access to SUNSI or with respect to standing or need to know for SGI by filing a challenge within 5 days of receipt of that determination with (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer. In the same manner, an SGI requester may challenge an adverse determination on trustworthiness and reliability by filing a challenge within 15 days of receipt of that determination.

In the same manner, a party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of such a request.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[6]

10. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI and/or SGI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

[3] Broad SGI requests under these procedures are thus highly unlikely to meet the standard for need to know; furthermore, staff redaction of information from requested documents before their release may be appropriate to comport with this requirement. These procedures do not authorize unrestricted disclosure or less scrutiny of a requester's need to know than ordinarily would be applied in connection with an already-admitted contention.

[4] If a presiding officer has not yet been designated, the Chief Administrative Judge will issue such orders, or will appoint a presiding officer to do so.

[5] Parties/persons other than the requester and the NRC staff will be notified by the NRC staff of a favorable access determination (and may participate in the development of such a motion and protective order) if it concerns SUNSI and if the party/person's interest independent of the proceeding would be harmed by the release of the information (*e.g.*, as with proprietary information).

[6] As of October 15, 2007, the NRC's final ''E-Filing Rule'' became effective. See Use of Electronic Submissions in Agency Hearings (72 FR 49139; August 28, 2007). Requesters should note that the filing requirements of that rule apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI/SGI requests submitted to the NRC staff under these procedures.

Dated at Rockville, Maryland, this 13th day of February, 2009.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION AND SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/activity
0	Publication of FEDERAL REGISTER notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) and/or Safeguards Information (SGI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding; demonstrating that access should be granted (e.g., showing technical competence for access to SGI); and, for SGI, including application fee for fingerprint/background check.
60	Deadline for submitting petition for intervention containing: (i) demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI and/or SGI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows (1) need for SUNSI or (2) need to know for SGI. (For SUNSI, NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents). If NRC staff makes the finding of need to know for SGI and likelihood of standing, NRC staff begins background check (including fingerprinting for a criminal history records check), information processing (preparation of redactions or review of redacted documents), and readiness inspections.
25	If NRC staff finds no "need," "need to know," or likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
190	(Receipt +180) If NRC staff finds standing, need to know for SGI, and trustworthiness and reliability, deadline for NRC staff to file motion for Protective Order and draft Non-disclosure Affidavit (or to make a determination that the proposed recipient of SGI is not trustworthy or reliable). Note: Before the Office of Administration makes an adverse determination regarding access, the proposed recipient must be provided an opportunity to correct or explain information.
205	Deadline for petitioner to seek reversal of a final adverse NRC staff determination either before the presiding officer or another designated officer.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI and/or SGI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI and/or SGI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI or SGI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI and/or SGI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers
B	Decision on contention admission.

[FR Doc. E9–3632 Filed 2–19–09; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2009–23; Order No. 179]

Competitive Products Price Changes

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: This document announces the Postal Service's filing of a notice of price changes for certain competitive (shipping) products and invites public comment. In general, the price changes under consideration are for products that were not included in a more comprehensive set of changes implemented in January 2009. The reason for their exclusion is that the associated price changes are calculated, for the most part, with reference to certain market dominant products, and the timetable for implementation of pricing for these products is May of each year. Thus, deferral allows this relationship to be maintained. Changes for the competitive products identified in the Postal Service's notice are scheduled to occur on May 11, 2009, which coincides with anticipated changes for market dominant products.

DATES: Comments are due February 24, 2009.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.*

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202–789–6820 and *stephen.sharfman@prc.gov.*

SUPPLEMENTARY INFORMATION: On February 10, 2009, the Postal Service filed a notice with the Commission concerning changes in rates of general applicability for competitive products.[1] The Filing also includes related mail classification changes. As required by the Commission's rules, 39 CFR 3015.2(b), the Filing includes an explanation and justification for the changes, the effective date, and a schedule of the changed rates. The price changes are scheduled to become effective May 11, 2009.

Attached to the Filing is the Governors' Decision evaluating the new prices and classification changes in accordance with 39 U.S.C. 3632–33 and 39 CFR 3015.2.

The Governors' Decision includes two Attachments. Attachment A provides an analysis of the competitive products' price and classification changes intended to demonstrate that the changes comply with section 3633(a) of title 39 and the Commission's rules.[2] 39 CFR 3015.7(c).

Attachment B to the Governors' Decision sets forth the price changes and related product description changes to be incorporated into the draft Mail Classification Schedule. Selected highlights of the price and classification changes follow.

Parcel Select. Overall, Parcel Select product prices increase by approximately 0.5 of 1 percent. There are three categories within Parcel Select not included in the January 2009 competitive products' price increase for shipping services: Origin Bulk Mail Center (BMC) Presort, and Barcoded Inter-BMC and Intra-BMC which have pricing categories based on market dominant Single-Piece Parcel Post prices. The price changes in these categories will be concurrent with the market dominant price changes also effective on May 11, 2009. The price charts within the two presorted categories have minor changes to demonstrate the discount for barcoding. The nonpresort categories Barcoded Inter-BMC and Intra-BMC are now one category Barcoded Nonpresort.

Premium Forwarding Service. Premium Forwarding Service prices will increase by 20.2 percent overall. The Premium Forwarding Service enrollment price will increase from $10.00 to $15.00, and the weekly reshipment price will increase from $11.95 to $13.95.

International Priority Airmail (IPA) and International Surface Air Lift (ISAL). Noncontractual International Priority Mail will have a price increase of 20.8 percent and noncontractual International Surface Air Lift will increase by 2.4 percent. The noncontractual pricing is being changed to align it with First-Class Mail International letter prices that will change in May 2009. Structural changes are also being made, including adding new country-specific price groups; and pricing will be distinguished by presort level (Direct Country, Mixed Country, and Worldwide Non-presort). Additionally, Worldwide Non-presort, previously applicable only to IPA, will also be applicable to ISAL. Also, mixed country sacks will only be applicable to dropshipped items, and the minimum volume per mailing for IPA is raised to 50 pounds. The noncontractual price increases will result in increases in the rates charged to customers that have executed customized agreements with the Postal Service.

International Ancillary Services. Prices for International Ancillary Services will increase on average by 6.1 percent. Prices for International Certificate of Mailing increase 6.7 percent, for International Registered Mail 6.5 percent, for International Restricted Delivery 4.7 percent, and for International Return Receipt 4.5 percent.

Details of these changes may be found in Attachment B to the Filing.

The establishment of rates of general applicability for competitive products and the associated mail classification changes effect a change in the Mail Classification Schedule. As such, pursuant to subpart E of part 3020 of its rules, 39 CFR 3020.90 *et seq.* , the Commission provides notice of the Postal Service's Filing. Interested persons may express views and offer comments on whether the planned changes are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642 and 39 CFR part 3015 and 39 CFR 3020 subpart B. Comments are due no later than February 24, 2009.

Pursuant to 39 U.S.C. 505, Kenneth E. Richardson is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in the above-captioned docket.

It is Ordered:

1. The Commission establishes Docket No. CP2009–23 to provide interested persons an opportunity to express views and offer comments on whether the planned changes are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642 and 39 CFR part 3015 and 39 CFR 3020 subpart B.

2. Comments on the Filing are due no later than February 24, 2009.

3. The Commission appoints Kenneth E. Richardson as Public Representative to represent the interests of the general public in this proceeding.

4. The Secretary shall arrange for publication of this order in the **Federal Register.**

By the Commission.

Steven W. Williams,

Secretary.

[FR Doc. E9–3595 Filed 2–19–09; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Notice of the United States Postal Service of Changes in Rates of General Applicability for Competitive Products Established in Governors' Decision No. 09–01, February 10, 2009 (Filing). The Filing is available on the Commission's Web site, *http://www.prc.gov*, under Daily Listings for February 10, 2009. Pursuant to 39 U.S.C. 3632(b)(2), the Postal Service is obligated to publish the Governors' Decision and record of proceedings in the **Federal Register** at least 30 days before the effective date of the new rates or classes.

[2] Page 3 of Attachment A to the Governors' Decision was filed publicly in redacted form. The unredacted version of page 3 was filed under seal in the nonpublic annex.

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:
Rule 15g–3; OMB Control No. 3235–0392; SEC File No. 270–346.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) that the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in the following rule: Rule 15g–3—Broker or dealer disclosure of quotations and other information relating to the penny stock market (17 CFR 240.15g–3) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 15g–3 requires that brokers and dealers disclose to customers current quotation prices or similar market information in connection with transactions in penny stocks. The purpose of the rule is to increase the level of disclosure to investors concerning penny stocks generally and specific penny stock transactions.

The Commission estimates that approximately 240 broker-dealers will spend an average of 100 hours annually to comply with the rule. Thus, the total compliance burden is estimated to be approximately 24,000 burden-hours per year.

Written 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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Comments should be directed to: Charles Boucher, Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312 or send an e-mail to: *PRA_Mailbox@sec.gov*. Comments must be submitted within 60 days of this notice.

Dated: February 13, 2009.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–3577 Filed 2–19–09; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 15g–4; OMB Control No. 3235–0393; SEC File No. 270–347.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in the following rule: Rule 15g–4—Disclosure of compensation to brokers or dealers (17 CRF 240.15g–4) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 15g–4 requires brokers and dealers effecting transactions in penny stocks for or with customers to disclose the amount of compensation received by the broker-dealer in connection with the transaction. The purpose of the rule is to increase the level of disclosure to investors concerning penny stocks generally and specific penny stock transactions.

The Commission estimates that approximately 240 broker-dealers will spend an average of 100 hours annually to comply with the rule. Thus, the total compliance burden is approximately 24,000 burden-hours per year.

Written 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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Comments should be directed to: Charles Boucher, Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312 or send an e-mail to: *PRA_Mailbox@sec.gov*. Comments must be submitted within 60 days of this notice.

Dated: February 13, 2009.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–3578 Filed 2–19–09; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 15g–5; OMB Control No. 3235–0394; SEC File No. 270–348.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in the following rule: Rule 15g–5—Disclosure of compensation to associated persons in connection with penny stock transactions (17 CFR 240.15g–5) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 15g–5 requires brokers and dealers to disclose to customers the amount of compensation to be received by their sales agents in connection with penny stock transactions. The purpose of the rule is to increase the level of disclosure to investors concerning penny stocks generally and specific penny stock transactions.

The Commission estimates that approximately 240 broker-dealers will spend an average of 100 hours annually to comply with the rule. Thus, the total compliance burden is approximately 24,000 burden-hours per year.

Written 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 will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Comments should be directed to: Charles Boucher, Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312 or send an e-mail to: *PRA_Mailbox@sec.gov*. Comments must be submitted within 60 days of this notice.

Dated: February 13, 2009.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–3579 Filed 2–19–09; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 15g–6;OMB Control No. 3235–0395; SEC File No. 270–349.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in the following rule: Rule 15g–6—Account statements for penny stock customers (17 CFR 240.15g–6) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 15g–6 requires brokers and dealers that sell penny stocks to provide their customers monthly account statements containing information with regard to the penny stocks held in customer accounts. The purpose of the rule is to increase the level of disclosure to investors concerning penny stocks generally and specific penny stock transactions.

The Commission estimates that approximately 240 broker-dealers will spend an average of 90 hours annually to comply with this rule. Thus, the total compliance burden is approximately 21,600 burden-hours per year.

Written 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 estimates 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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Comments should be directed to: Charles Boucher, Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312 or send an e-mail to: *PRA_Mailbox@sec.gov*. Comments must be submitted within 60 days of this notice.

Dated: February 13, 2009.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–3580 Filed 2–19–09; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59384; File No. SR–DTC–2008–13]

Self-Regulatory Organizations; The Depository Trust Company; Order Approving a Proposed Rule Change Relating to Eliminating the SRO Requirement as a Condition of DTC-Eligibility for Securities That Are Eligible for Resale Under Rule 144A Under the Securities Act of 1933

February 11, 2009.

I. Introduction

On October 9, 2008, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] On December 17, 2008, the Commission published notice of the proposed rule change in the **Federal Register** to solicit comments from interested persons.[2] The Commission received no comment letters in response to the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description

Prior to this rule change, Rule 144A securities,[3] other than Investment Grade Securities, were eligible for DTC's deposit, book-entry delivery, and other depository services provided, in part, that such securities were included in an ''SRO Rule 144A System'' (frequently referred to as the ''SRO Requirement''), such as the NASD's PORTAL Market System.[4]

Under this rule change, DTC will eliminate the SRO Requirement thereby resulting in a uniform procedure for making all Rule 144A Securities DTC-eligible. Issuers and participants will continue to be responsible for determining that their deposit of Rule 144A Securities at DTC and their transactions in Rule 144A Securities through DTC's facilities are in compliance with existing DTC rules and the federal securities laws,[5] such as:

(i) *Rule 2, Section 8, of DTC's rules:* ''In connection with their use of the Corporation's [DTC's] services, Participants and Pledgees must comply with all applicable laws, including all applicable laws relating to securities, taxation and money laundering.''

(ii) *DTC's ''Operational Arrangements (Necessary for an Issue to Become and Remain Eligible for DTC Services)'' relating to BEO issues being made eligible for DTC services:* ''Issuer recognizes that DTC does not in any way undertake to, and shall not have any responsibility to, monitor or ascertain the compliance of any transactions in the Securities with the following, as amended from time to time: (1) Any exemptions from registration under the Securities Act of 1933; (2) the Investment Company Act of 1940; (3) the Employee Retirement Income Security Act of 1974; (4) the Internal Revenue Code of 1986; (5) any rules of any self-regulatory organizations (as defined under the Securities Exchange Act of 1934); or (6) any other local, state, federal, or foreign laws or regulations there under.'' This and other representations made by issuers to DTC pursuant to the DTC Operational Arrangements are mirrored in the Letter of Representations that DTC receives from issuers in connection with their deposits of BEO issues with DTC.

(iii) When a Rule 144A Security is made DTC eligible, the issuer will continue to be required to execute a copy of the rider to the Letter of Representation in the form it appeared prior to this rule change except that the reference to the SRO Requirement will be deleted.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 59088 (Dec. 11, 2008), 73 FR 76688.

[3] Rule 144A, 17 CFR 230.144A, provides a safe-harbor from the registration requirements of the Securities Act for resales to qualified institutional buyers (''QIBs'') of certain restricted securities that when issued were not of the same class as securities listed on a national securities exchange registered under the Act. Rule 144A(d)(2), 17 CFR 230.144A(d)(2), requires that the seller and any person acting on its behalf take reasonable steps to ensure that the purchaser is aware that the seller may rely on the safe-harbor provided by Rule 144A.

[4] Securities Exchange Release No. 33327 (Dec. 13, 1993), 58 FR 67878 (Dec. 22, 1993) [File No. SR–DTC–90–06]. ''Investment Grade Securities'' are defined in that Commission order as nonconvertible debt securities and nonconvertible preferred stock which are in one of the top four categories by a nationally recognized statistical rating organization.

[5] In 1994, in an order clarifying certain language in the Rule 144A Approval Order, the Commission concurred in the position taken by DTC that ''Rule 5 [of DTC's rules] does not require DTC to determine whether securities, when deposited at DTC, may be transferred lawfully by book-entry in light of the Federal securities law.'' Order Approving Proposed Rule Change Relating to a Clarification of Rule 5, Securities Exchange Act Release No. 33672, 56 SEC Docket 315 (Feb. 23, 1994) (''Rule 5 Clarification Order''). DTC Rule 5 was amended to delete any implication that DTC was under any statutory or contractual obligation to determine whether securities deposited with DTC could be legally transferred by book-entry.

applicable to DTC. In particular, the Commission believes the proposal is consistent with Section 17A(b)(3)(F) of the Act,[6] which requires that the rules of a registered clearing agency are designed to, among other things, remove impediments to the perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

When DTC established the SRO Requirement as a condition of eligibility for Rule 144A Securities, DTC and the Commission envisioned that an SRO Rule 144A System would provide comprehensive safeguards to facilitate the SRO's ability to monitor compliance with Rule 144A. However, the only SRO Rule 144A System that was developed was the NASD's PORTAL Market System (''PORTAL''). Additionally, PORTAL neither developed as anticipated nor included the safeguards contemplated by the DTC requirement.[7] Thus, the Commission agrees with DTC that the SRO Requirement is no longer necessary or practical to achieve the purpose for which it was added to DTC's rules. In addition, the requirement appears to deter the development of alternative markets for Rule 144A Securities that could avail traders in 144A Securities of DTC's automated clearance, settlement, and risk management services.[8] Accordingly, DTC's removal of the SRO Requirement should expand the number of restricted securities that can become eligible for DTC's clearance and settlement services thus helping to perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, which is consistent with Section 17A(b)(3)(F) of the Act.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act[9] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[10] that the proposed rule change (File No. SR–DTC–2008–13) be and hereby is approved.[11]

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–3573 Filed 2–19–09; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78q-1(b)(3)(F).

[7] Securities Exchange Release No. 56172 (Jul. 31, 2007), 72 FR 44196 (Aug. 7, 2007) [File No. SR–NASDAQ–2006–65].

[8] In a 2007 order approving Nasdaq's reestablishment of its PORTAL market, the Commission acknowledged comments suggesting such and encouraged DTC to review its SRO Requirement. *Supra* note 7.

[9] 15 U.S.C. 78q–1.

[10] 15 U.S.C. 78s(b)(2).

[11] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59409; File No. SR–DTC–2009–03]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change To Revise Its Fee Schedule

February 13, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 13, 2009, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') and on February 13, 2009, amended the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice and order to solicit comments on the rule change from interested parties and to grant accelerated approval of the proposal.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the rule change is to revise fees for certain DTC services.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

DTC is proposing to revise fees for certain services. The revisions include: (i) Decreases of Settlement Services fees to realign fees with costs incurred in providing the services; (ii) decreases of Custody and Dividend service fees to realign fees with costs scaled to reflect processing complexity creating fee simplification and transparency; (iii) increases of Reorganization services fees to realign fees with costs incurred due to low volume tender offers which are subject to extensive monitoring; and (iv) increases of Custody and Deposits fees to realign fees with costs associated with intensive photocopy and research requests.

In addition, DTC will increase certain disincentive fees to discourage activities that increase industry inefficiencies. These revisions include: fee increases for underwriters who have incomplete, inaccurate, or untimely submission of information in connection with DTC's Underwriting services and fee increases for Withdrawals by Transfer and Deposits (in connection with DTC's continuing efforts to discourage continued traffic in physical securities and to discourage erroneous requests).

The proposed fee revisions are consistent with DTC's overall pricing philosophy to align service fees with underlying costs, discourage manual and exception processing, and encourage immobilization and dematerialization of securities. Except as otherwise noted above, the effective date for these fee adjustments is January 2, 2009.

The proposed rule change is consistent with Section 17A of the Act,[3] as amended, because it clarifies and updates DTC's fee schedule. As such, it provides for the equitable allocation of fees among its participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will have any impact or impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. DTC will notify the Commission of any written comments received by DTC.

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by DTC.

[3] 15 U.S.C. 78q–1.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Section 17A(b)(3)(D) of the Act requires that the rules of a clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants. The Commission finds that DTC's proposed rule change is consistent with DTC's obligation under the Act because it clarifies and updates DTC's fee schedule.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing in the **Federal Register** because the proposed rule change originally was filed previously but had to be refiled due to a technical issue.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–DTC–2009–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–DTC–2009–03. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filings also will be available for inspection and copying at the principal office of DTC and on DTC's Web site at *http://www.dtcc.com/downloads/legal/rule_filings/2009/dtc/2009–03.pdf* . All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–DTC–2009–03 and should be submitted on or before March 13, 2009.

V. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act [4] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[5] that the proposed rule change (File No. SR–DTC–2009–03) be, and hereby is, approved.[6]

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[7]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–3576 Filed 2–19–09; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59392; File No. SR–NASDAQ–2009–006]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish a Post-Only Order

February 11, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 28, 2009, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by Nasdaq. Nasdaq filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to establish a Post-Only Order. The text of the proposed rule change is below. Proposed new language is italicized.[5]

* * * * *

4751. Definitions

(a)–(e) No change.

(f) No change.

(1)–(9) No change.

(10) ''Post-Only Orders'' are orders that if, at the time of entry, would lock an order on the System, the order will be re-priced and displayed by the System to one minimum price increment (i.e., $0.01 or $0.0001) below the current low offer (for bids) or above the current best bid (for offers).

(g)–(i) No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In order to provide enhanced functionality, Nasdaq proposes to adopt an additional order type known as the Post-Only Order. A Post-Only Order is an order that does not remove liquidity

---

[4] 15 U.S.C. 78q–1.

[5] 15 U.S.C. 78s(b)(2).

[6] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[7] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] Changes are marked to the rule text that appears in the electronic manual of Nasdaq found at *http://nasdaq.cchwallstreet.com.*

from the System upon entry if it would lock an order on Nasdaq's system for trading cash equities (the ''System''). If, at the time of entry, a Post-Only Order would lock an order on the System it will be re-priced and displayed by the System to one minimum price increment (*i.e.*, $0.01 or $0.0001) below the current low offer (for bids) or above the current best bid (for offers). In the case of a Post-Only Order locking an order, the Post-Only Order will be repriced only once upon entry into the System. Post-Only Orders will not be routed away to other trading centers.

An example of how the price sliding mechanism will work if the Post-Only Order locks an order on the System is as follows:

- The System is displaying a $10.15 offer.
- A firm enters a Post-Only Order to buy at $10.15.
- The incoming Post-Only Order will go on the book and display at $10.14.

If the Post-Only Order would lock or cross a protected quote of another market center the post-only logic is not applicable and the order will be processed in the same manner as a Price to Comply Post Order.

- Another market center is displaying a $10.15 offer.
- A firm enters a Post-Only Order to buy at $10.15.
- The incoming Post-Only Order will be accepted and display at $10.14.

If the Post-Only Order would cross another order already on the System and the price improvement for executing the order is greater than the liquidity taker fee and higher than the rebate for being a liquidity provider, then the post-only logic is not applicable and the order will be processed and execute in the same manner as an order with a time-in-force of Immediate or Cancel (IOC).

- The System is displaying a $10.15 offer.
- A firm enters a Post-Only Order to buy at $10.16.
- The incoming Post-Only Order will execute at $10.15.

Nasdaq believes that the Post-Only Order type will increase the ability of market participants to control their provision or taking of market liquidity and thus better anticipate their trading costs. Nasdaq notes that orders similar to the proposed Post-Only Order type are already in use by other market centers.[6] In addition, the process for re-pricing Post-Only Orders is comparable to the existing re-pricing mechanism approved for use for Price to Comply Post Orders.[7]

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5),[9] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, the Post-Only Order is designed to encourage displayed liquidity and to offer Nasdaq users greater discretion and flexibility to post liquidity on Nasdaq.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. To the contrary, Nasdaq believes that the Post-Only Order is designed to compete with orders already approved and in use at other national securities exchanges, thereby enhancing competition between the exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and subparagraph (f)(6) of Rule 19b–4 thereunder.[11]

A proposed rule change filed under Rule 19b-4(f)(6) normally may not become operative prior to 30 days after the date of filing.[12] However, Rule 19b–4(f)(6)(iii)[13] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay and designate the proposed rule change operative upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission notes that other self-regulatory organizations have similar order types[14] and that this filing raises no new regulatory issues. Therefore, the Commission designates the proposal operative upon filing.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File No. SR-NASDAQ–2009–006 on the subject line.

[6] *See* Rule 4751(f)(9) of NASDAQ OMX BX, Rule 11.9(c)(5) of the BATS Exchange and Rule 7.31 of NYSE Arca. The proposed Post-Only Order would operate in the same manner as the Post-Only Order adopted by NASDAQ OMX BX and have functionalities similar to the NYSE Arca Adding Liquidity Only Order and the BATS Post Only Order.

[7] *See* Rule 4751(f)(8).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has complied with this requirement.

[13] *Id.*

[14] *See* BATS Exchange, Inc. Rule 11.9(c)(5) and NASDAQ OMX BX, Inc. Rule 4751(f)(9).

[15] For purposes only of waiving the 30-day operative delay of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

Paper Comments

• Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2009–006. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of Nasdaq. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2009–006 and should be submitted on or before March 13, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–3574 Filed 2–19–09; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59400; File No. SR–NYSE–2009–12]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by New York Stock Exchange LLC Amending Its Limited Liability Company Operating Agreement and the Bylaws of Its Wholly-Owned Subsidiary NYSE Market, Inc. To Eliminate, in Each Case, a Requirement That Not Less Than Two Members of the Board of Directors Must Qualify as ''Non-Affiliated Directors'' and a Related Requirement That Not Less Than Two Members of the Board of Directors Must Qualify as ''Fair Representation Candidates''

February 12, 2009.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b-4 thereunder,[3] notice is hereby given that on February 2, 2009, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes the amendment of (i) its limited liability company operating agreement and (ii) the bylaws of its wholly-owned subsidiary NYSE Market, Inc. (''NYSE Market'') to eliminate, in each case, a requirement that not less than two members of the board of directors must qualify as ''non-affiliated directors'' and a related requirement that not less than two members of the board of directors must qualify as ''fair representation candidates'' (as each of those terms is defined in the foregoing documents). A 20% minimum requirement would remain in place with respect to each of those categories of directors.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing that its parent company, NYSE Group, Inc., as the sole member of the Exchange, a New York limited liability company, amend the Second Amended and Restated Operating Agreement of the Exchange (the ''Operating Agreement'') to eliminate the requirements that (a) not less than two members of the board of directors of the Exchange (''Exchange Board'') must be persons who are not members of the board of directors of NYSE Euronext (''NYSE Euronext Board''), and who qualify as independent under the independence policy of the NYSE Euronext Board (''NYSE non-affiliated directors'') and (b) not less than two members of the Exchange Board must be ''fair representation candidates'' (as defined in the Operating Agreement). In each case, however, the current 20% minimum requirement will continue to apply.

The Exchange is further proposing that the Exchange, the sole stockholder of NYSE Market, amend the Amended and Restated Bylaws of NYSE Market (''Market Bylaws'') to eliminate the requirements that (a) not less than two members of the board of directors of NYSE Market (''Market Board'') must be persons who are not members of the NYSE Euronext Board, although such directors need not be independent (''Market non-affiliated directors'') and (b) not less than two members of the Market Board must be ''fair representation candidates'' (as defined in the Market Bylaws). In each case, however, the current 20% minimum requirement will continue to apply.

The practical effect of the proposed rule change is to enable the size of each of the Exchange Board and the Market Board to be reduced from ten members to five members. The Exchange believes that reducing the size of each board to five directors, when combined with the current process for selecting the 20% of directors who meet the fair representation requirement in Section

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

6(b)(3) of the Securities Exchange Act of 1934 (the ''Act''),[4] is consistent with the Act.

Currently, the Operating Agreement requires that at least 20%, and not less than two, of the members of the Exchange Board must be NYSE non-affiliated directors, and the same numerical requirements are applicable to fair representation candidates.[5] Similarly, the Market Bylaws currently require that at least 20%, and not less than two, of the members of the Market Board must be Market non-affiliated directors, and the same numerical requirements are applicable to fair representation candidates.[6]

The Exchange believes that elimination of the two-director minimum requirements for fair representation candidates and non-affiliated directors is consistent with the governance structures of other national securities exchanges that have been approved by the Commission. For example, Section 9(a) of the Limited Liability Company Agreement of the NASDAQ Stock Market LLC (the ''NASDAQ LLC Agreement'') requires that ''[a]t least twenty percent (20%) of the Directors shall be Member Representative Directors,'' where a Member Representative Director is the equivalent of a fair representation candidate on the Exchange and NYSE Market.[7] However, there is no requirement in either the NASDAQ LLC Agreement or the NASDAQ By-Laws for a minimum of two Member Representative Directors. The number of directors constituting the board of directors of the NASDAQ Stock Market LLC is at the complete discretion of the sole member of the NASDAQ Stock Market LLC under the Delaware Limited Liability Company Act.[8]

More recently, in its approval order relating to the acquisition of the American Stock Exchange LLC (''Amex'') by NYSE Euronext (the ''Approval Order''),[9] the Commission, after noting (1) that the board of directors of NYSE Alternext US LLC (''NYSE Alternext US''), the successor to Amex, ''will be composed of a number of directors as determined by NYSE Group from time to time, as sole owner of NYSE Alternext US''[10] and (2) Amex's representation that, immediately following the acquisition, ''the NYSE Alternext US Board will have five directors, one of which will be a Non-Affiliated Director * * *''[11], stated, ''The Commission finds that the proposed governance structure of NYSE Alternext US is consistent with the Act * * *''[12] The Approval Order further notes that ''at least twenty percent of the directors [of NYSE Alternext US] will be persons who are not members of the board of directors of NYSE Euronext and who do not need to be independent under the NYSE Euronext Independence Policy ('Non-Affiliated Directors').''[13] This requirement for non-affiliated directors of NYSE Alternext US tracks the non-affiliated director requirements of the NYSE and NYSE Market,[14] but there is no requirement that there be a minimum of two such directors.[15] The Approval Order also described the selection process for non-affiliated directors of NYSE Alternext US, including a written petition process by members which is very similar to that of the Exchange and NYSE Market for the selection of fair representation candidates. The Approval Order then concluded, ''The Commission finds that the requirement that at least twenty percent of the NYSE Alternext US Directors be Non-Affiliated Directors, and the process for selecting such Non-Affiliated Directors, are designed to ensure the fair representation of NYSE Alternext US members on the NYSE Alternext US Board.''[16] In conclusion, we again note that the proposed governance structure of NYSE Alternext US that was approved by the Commission in the Approval Order had no additional requirement for a minimum of two fair representation candidates. Consequently, elimination of this requirement will leave the Exchange and NYSE Market with governance structures that are completely consistent with similar structures that the Commission has approved for other national securities exchanges.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)[17] of the Securities Exchange Act of 1934 (the ''Act''), in general, and furthers the objectives of Section 6(b)(5)[18] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. More specifically, the NYSE believes that, by eliminating, for itself and its subsidiary, the current requirement for a minimum of two non-affiliated directors and fair

[4] Section 6(b)(3) requires, as a condition for registration of a national securities exchange, the Commission to determine that, ''The rules of the exchange assure a fair representation of its members in the selection of its directors and administration of its affairs * * *.''

[5] As defined in the Operating Agreement, fair representation candidates are Exchange Board members that are determined by member organizations of the Exchange through a specified petition process (''Petition Candidates'') or, in the absence of Petition Candidates, candidates recommended jointly by the Director Candidate Recommendation Committees (the ''DCRC'') of NYSE Market and NYSE Regulation, Inc. Fair representation candidates on the Exchange Board also qualify as NYSE non-affiliated directors. In the case of NYSE Market, fair representation candidates on the Market Board are similarly defined except that, in the absence of Petition Candidates, they are individuals recommended by the DCRC of NYSE Market. Fair representation candidates on the Market Board also qualify as Market non-affiliated directors.

[6] For purposes of calculating the minimum number of non-affiliated directors and fair representation candidates for each of the Exchange and NYSE Market, if the number that is equal to 20% of the entire board of directors is not a whole number, such number will be rounded up to the next whole number. This rounding provision is being added to the text of both the limited liability company operating agreement of the Exchange and the bylaws of NYSE Market. The initial implementation of the proposed changes immediately following Commission approval will be accomplished through the voluntary resignation of five of the ten directors from each of the NYSE and NYSE Market boards, including one ''fair representation'' director from each of the boards, in connection with a reduction in the size of each board to five directors. The Exchange represents that the DCRC is aware of and is in agreement with the proposed plan of implementation. There is otherwise no change to the ''fair representation'' candidate selection and petition process.

[7] *See* Article I, paragraph (q) of the By-Laws of the NASDAQ Stock Market LLC (the ''NASDAQ By-Laws), which states that, '' 'Membership Representative Director' means a Director who has been elected or appointed after having been nominated by the Member Nominating Committee or by a Nasdaq Member pursuant to these By-Laws.''

[8] *See* Section 9(a) of the NASDAQ LLC Agreement.

[9] *See* Securities Exchange Act Release No. 58673 (September 29, 2008), 73 FR 57707 (October 3, 2008) (SR–Amex–2008–62).

[10] *Id.*, 73 FR at 57711.

[11] *See* Approval Order, *supra* note 9, 73 FR at 57712.

[12] *Id.*

[13] *Id.*

[14] The Exchange's requirements for non-affiliated directors are somewhat more restrictive than those of NYSE Alternext US, in that such directors on the Exchange Board must also be independent as well. *See* Section 2.03(a)(i) of the Operating Agreement.

[15] The Approval Order does note that, ''For purposes of calculation of the minimum number of Non-Affiliated Directors, if twenty percent of the directors is not a whole number, such number of directors to be nominated and selected by NYSE Alternext US members will be rounded up to the next whole number.'' *See* Approval Order, *supra* note 9, at note 57. *See also supra* note 6 regarding the commitment of the Exchange and NYSE Market to round up the number of non-affiliated directors and fair representation candidates in the same manner under the proposed rule change.

[16] *Id.*

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

representation candidates, it will be able to improve administrative efficiency and effectiveness by operating with a smaller number of directors while continuing to fulfill its statutory obligations regarding the fair representation of its members. The proposed rule change will thereby contribute to perfecting the mechanism of a free and open market and a national market system, which is also consistent with the protection of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which Amex consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2009–12 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2009–12. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2009–12 and should be submitted on or before March 13, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–3575 Filed 2–19–09; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59383; File No. SR–NYSE–2009–07]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by New York Stock Exchange LLC Amending NYSE Rule 123E (''DMM Combination Review Policy'') To Be More Consistent With the Exchange's Current Designated Market Maker (''DMM'') System

February 11, 2009.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 27, 2009, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. NYSE filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[4] and Rule 19b–4(f)(6) thereunder,[5] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Rule 123E (''DMM Combination Review Policy'') to be more consistent with the Exchange's current Designated Market Maker (''DMM'') system.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(6).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend NYSE Rule 123E (''DMM Combination Review Policy'') to be more consistent with the Exchange's current Designated Market Maker (''DMM'') system.

The Exchange notes that parallel changes are proposed to be made to the rules of the NYSE Alternext Exchange (formerly the American Stock Exchange).[6]

Background

a. Origination of Review Process

In 1986, the Exchange developed procedures for reviewing proposed mergers, acquisitions and other combinations between or among specialist units.[7] The procedures were the result of a study of significant issues related to the specialist system which concluded, in part, that there would be an increasing incidence of specialist consolidation as specialist units sought to acquire additional capital and resources to meet the growing needs of the market. At that time, the Exchange determined that a structured approach for reviewing proposed specialist combinations was required in order to avoid the formation of specialist units that had capital or operational deficiencies that would negatively impact the Exchange's market and potentially undermine the orderly evolution of the specialist system. The Exchange chose to structure its review based on the degree of concentration of securities in the specialist unit(s). After a pilot program and a series of amendments, the procedures were permanently approved by the Commission in June 1994.[8] The procedures were eventually codified as NYSE Rule 123E in 2002 and subsequently amended.[9]

b. Current NYSE Rule 123E Requirements

On October 24, 2008, the Exchange eliminated the specialist system and created a Designated Market Maker (''DMM'') system.[10] At that time, the Exchange did not substantively amend the review process related to combinations to be consistent with the new DMM system; rather, the provisions of NYSE Rule 123E were carried over to govern DMM combinations.[11] The Exchange expected to turn to appropriate revisions to Rule 123E as soon as possible following the implementation of the DMM system. That work has resulted in this rule proposal.

Currently, pursuant to NYSE Rule 123E, the Exchange is responsible for reviewing proposed DMM combinations, subject to certain considerations, when the proposed DMM unit combination would result in an aggregate of more than five percent (''Tier 1 combination''), 10 percent (''Tier 2 combination'') or 15 percent or more (''Tier 3 combination'') in any one of four concentration measures: (1) Common stocks listed on the Exchange; (2) the 250 most active listed common stocks; (3) the total trading volume of common stock listed on the Exchange; and (4) the total dollar value of common stock listed on the Exchange.

Where a proposed combination involves or would result in a DMM unit accounting for more than five percent of any of the ''concentration measures,'' the Exchange is required to review the proposed combination to take into consideration:

(1) the effects of the proposed combination in terms of the following criteria:

(a) strengthening the capital base of the resulting DMM unit;

(b) minimizing both the potential for financial failure and the negative consequences of any such failure on the DMM system as a whole; and

(c) maintaining or increasing operational efficiencies;

(2) commitment to the Exchange market, focusing on whether the constituent DMM units have worked to support, strengthen and advance the Exchange, its agency/auction market and its competitiveness in relation to other markets; and

(3) the effect of the proposed combination on overall concentration of DMM units.

Where a DMM unit currently exceeds five percent of any concentration measure, and then proposes a combination that would not result in increasing its concentration measure by more than two percentage points, or not result in the combined unit moving into a higher tier classification, the Exchange shall not review the proposed combination.

When a proposed combination has a concentration percentage of 10% or higher in any of the four measures set forth above, NYSE Rule 123E(c)(1)(a)(i)–(iv) requires the combined entity to prove by a preponderance of the evidence that the proposed combination: (1) Would not create or foster concentration in the DMM business detrimental to the Exchange and its markets; (2) would foster competition among DMM units; (3) would enhance the performance of the constituent DMM unit and the quality of market of stocks involved; and (4) would demonstrate that, if approved, the proposed combination is otherwise in the public interest.

Moreover, pursuant to NYSE Rule 123E(d) proposed combinations that would result in the DMM units accounting for more than 10% of a concentration measure, requires the proponents of the combination to submit an operational certification prepared by an independent, nationally recognized management consulting organization with respect to all aspects of the unit's management and operations.[12] The proponents must also submit an acceptable risk management plan with respect to any line of business in which they engage.

If the proposed combination has a concentration percentage greater than 15%, NYSE Rule 123E (c)(1)(b)(i)–(iv) further requires the combined entity to prove that the measures set forth for combination of 10% are satisfied by clear and convincing evidence.

Proposed Amendments to NYSE Rule 123E

The Exchange proposes to amend the DMM Combination review to more clearly define what constitutes a DMM Combination that requires review and approval by the Exchange. The Exchange further seeks to clarify the administrative process associated with that review.

[6] *See* SR–NYSEALTR–2009–04.

[7] *See* Securities Exchange Release No. 24411, 52 FR 17870 (april 29, 1987)SR–NYSE–86–37).

[8] See Securities Exchange Release No. 35343 (February 8, 1995), 60 FR 8437 (February 14, 1995) (SR–NYSE–94–46).

[9] See Securities Exchange Release No. 46579 (October 1, 2002), 67 FR 63004 (October 9, 2002) (SR–NYSE–2002–31); See Securities Exchange Release No. 47547 (March 20, 2003), 68 FR 15027 (March 27, 2003) (SR–NYSE–2002–41); See Securities Exchange Release No. 52969 (December 16, 2005), 70 FR 76337 (December 23, 2005) (SR–NYSE–2005–38) (amendment to specialist unit capital requirements); See Securities Exchange Release No. 58845 (October 24, 2008), 73 FR 64379 (October 29, 2008) (NYSE–2008–46) (amendment implementing the New Market Model); See Securities Exchange Act Release No. 58857 (October 24, 2008), 73 FR 65435 (November 3, 2008) (SR–NYSE–2008–52) (amendment implementing the new Allocation Policy); See Securities Exchange Act Release No. 59077 (December 10, 2008), 73 FR 76691 (December 17, 2008) (NYSE–2008–127) (technical amendments to correct rule reference to DMM net capital requirements).

[10] *See* Securities Exchange Act Release No. 58845 (October 24, 2008) (SR–NYSE–2008–46) (''New Market Model'').

[11] The Exchange did amend this rule to be consistent with its new Allocation policy on October 24, 2008. *See* Securities Exchange Act Release No. 58857 (October 24, 2008), 73 FR 65435 (November 3, 2008) (SR–NYSE–2008–52).

[12] The initial rationale behind this additional requirement was to minimize the risk of financial and/or operational failure of larger specialist units.

The Exchange proposes to amend NYSE Rule 123E to eliminate the current ''Tier'' system as the mechanism for determining the nature of the review for a proposed DMM combination. At the time the combination review procedures were first adopted in 1986, there were 55 specialist units on the Exchange. The threshold concentration level of five percent in any one of the four concentration measures defined in the Rule was needed to focus on combinations that would have significant impact on the Exchange. Today, there are six DMMs approved to operate on the Exchange; as such, any proposed combination has the potential to have significant impact on the Exchange's ability to maintain its DMM system and provide a fair and orderly market place. Accordingly, the Exchange proposes to eliminate threshold concentration levels as the instigating factor for the Exchange to review a proposed DMM combination. Pursuant to proposed NYSE Rule 123E(a), any ''proposed combination'' must be approved by the Exchange.

Proposed NYSE Rule 123E(b) defines a ''proposed combination'' to include changes to the current DMM unit business that has the potential to have significant impact on the Exchange's market. As such, the Exchange will review when: (1) Two or more DMM units merge or otherwise combine their businesses with the result that the total number of existing DMM units will be reduced; (2) two or more DMM units combine their businesses with the result that the existing number of DMM units is not reduced, but one or more of the surviving units is substantially reduced in size; or (3) a DMM unit merges or otherwise combines with a non-DMM business resulting in a change of control of the existing DMM unit.[13]

The current rule does not specify where the correspondence regarding a proposed combination should be directed. Through this amendment, the Exchange would require the proponents of a proposed combination to direct the correspondence to the Office of the Corporate Secretary.[14] This department will be able to coordinate and facilitate the timely review of the request.

Similar to the current rule, the written submission should address all the factors for review as well as: (1) Performance in any securities received through previous combinations or transfers of registrations during the preceding two years; (2) whether the resulting DMM unit will maintain staffing adequate to the needs of the market place; (3) whether the proposed combined unit will have a real-time surveillance system that monitors DMM trading and uses exception alerts to detect unusual trades or trading patterns; (4) whether the proposed combined unit will have disaster recovery facilities for its computer network and software; (5) whether it has designated specific individuals to handle unusual situations on the Floor (if so, the names of the individuals); (6) whether the combined unit will employ a ''zone'' or other management system on the Floor (with identification of the names of the individuals and their specific responsibilities, as applicable); and (7) whether the combined unit will designate a senior staff member to be responsible for reviewing DMM performance data, with specific procedures for correcting any deficiencies identified.[15]

The Exchange further proposes to rescind the requirement to submit an operational certification prepared by an independent, nationally recognized management consulting organization with respect to all aspects of the firm's management and operations for proposed combinations as it related to proposed combinations of 10% or higher, as required by NYSE Rule 123E(d).

In 1994, when the rule was amended to add this requirement for proposed combinations of specialist units that would account for more than 10% of a concentration measure, there were approximately 40 specialist units on the Floor. Specialist units at that time were relatively small independent companies. The Exchange believed that the independent certification was necessary to determine whether the combined entity had the managerial and operational capabilities to operate as a larger-sized specialist unit.

Today, the DMM system is comprised of six DMM units, all of which are relatively large, well-capitalized firms. The Exchange believes that the management and operational concerns originally associated with the combination of individual specialist units does not exist today, given the characteristics of the organizations engaged in market making as DMMs, and given the changed nature of the role DMMs play in the current market environment compared with the role played by specialists when this Rule was originally adopted. Furthermore, the Exchange submits that its current rules already address and monitor the management and operational requirements originally contemplated by the performance of an independent consultant and therefore, such outside certification is duplicative and unnecessary.

On July 30, 2007, NASD and NYSE Regulation, Inc. consolidated their member firm regulation operations into a combined organization, FINRA.[16] As part of its duties and responsibilities, FINRA oversees NYSE Member Firm Regulation and carefully reviews organizations seeking membership with FINRA and the NYSE. FINRA and NYSE Consolidated Rules both require that all prospective member organizations comply with the Securities and Exchange Act of 1934 [sic] as well as its rules with regard to the creation and preservation of books and records, the corporate structure of the proposed member organization, the supervision and control, and the net capital requirements of the proposed member organization. Furthermore, these rules require annual audits of the member organization's financial statements by an independent public account and the

[13] The current provisions of NYSE Rule 123E(g)(4) will be deleted and not incorporated in the text of the proposed definition of ''proposed combination.'' NYSE Rule 123E(g)(4) includes as a definition of a DMM combination: ''an individual DMM leaving an existing unit and proposing to take securities with him or her to join another existing unit.'' Securities allocated on the Exchange are assigned to DMM units pursuant to NYSE Rule 103B with an individual employed by the unit assigned as the DMM. As such, the individual DMM on the NYSE is not permitted to take securities with him or her if the DMM becomes employed by another DMM unit. Accordingly, this concept is not being carried over into proposed NYSE Rule 123E. *See* e-mail from Deanna Logan, Managing Director, NYSE Regulation, Inc., to David Liu, Assistant Director, Commission, dated January 30, 2009 (''January 30 e-mail'').

[14] *See* proposed NYSE Rule 123E(c). *See* January 30 e-mail,

[15] *See* proposed NYSE Rule 123E(c).

[16] Pursuant to Rule 17d–2 under the Securities Exchange Act of 1934, as amended (the ''Exchange Act''), NYSE, NYSE Regulation, Inc., and NASD entered into an agreement (the ''Agreement'') to reduce regulatory duplication for firms that are members of FINRA and also members of NYSE on or after July 30, 2007 (''Dual Members''), by allocating to FINRA certain regulatory responsibilities for selected NYSE rules. The Agreement includes a list of all of those NYSE and NASD rules for which FINRA has assumed regulatory responsibilities (''Common Rules''). *See* Securities Exchange Act Release No. 56148 (July 26, 2007), 72 FR 42146 (August 1, 2007) (Notice of Filing and Order Approving and Declaring Effective a Plan for the Allocation of Regulatory Responsibilities). The Common Rules include those NYSE rules that FINRA has incorporated into its rulebook (the ''NYSE Incorporated Rules''). *See* Securities Exchange Act Release No. 56147 (July 26, 2007), 72 FR 42166 (August 1, 2007) (Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change to Incorporate Certain NYSE Rules Relating to Member Firm Conduct; File No. SR–NASD–2007–054). Paragraph 2(b) of the 17d–2 Agreement sets forth procedures regarding proposed changes by either NYSE or FINRA to the substance of any of the Common Rules.

submission of an audited financial and operational report to the Exchange.[17]

The structure and regulatory concerns that accompany applications for membership on the Exchange in today's market have been carefully considered and addressed in the FINRA and NYSE Consolidated Rules. These Rules create a multi-tiered level of review to ensure that requirements related to appropriate managerial and financial capabilities for DMM units are in place from the onset of membership with the Exchange to the approval of members as DMMs.

In addition, NYSE Rule 98 monitors and regulates the member organization's managerial and operational systems. Under NYSE Rule 98, FINRA reviews the managerial aspects of a DMM unit and requires a DMM unit to: (i) Adopt and implement comprehensive written procedures and guidelines governing the conduct and supervision of business handled by such unit; (ii) establish a process for regular review of such written procedures and guidelines; and (iii) implement controls and surveillances reasonably designed to prevent and detect violations of these procedures and guidelines.

Furthermore, NYSE Rule 103 and NYSE Rule 104 regulate a DMM unit's compliance with capital requirements. NYSE Rule 103 sets forth the criteria that an Exchange member must satisfy in order to apply as a DMM unit. For example, the Exchange reviews the member organization's market making ability and the capital available for market making. Specifically, NYSE Rule 103.20 imposes stringent net capital requirements for DMM units and requires the DMM unit to immediately notify the Exchange if it is unable to comply with these prescribed requirements. The Exchange therefore believes that the requirement for an independent, nationally recognized management consulting organization review with respect to all aspects of the proposed combined entity's management and operations is no longer warranted. NYSE Rule 104 sets forth the dealings and responsibilities of DMMs and requires the DMM units to maintain compliance at all times with NYSE and SEC regulations.

The Exchange submits that the FINRA and NYSE Consolidated Rules currently in place appropriately monitor and review organizations seeking initial membership to the Exchange and the ability to operate as a DMM on the Exchange. These Rules operate to ensure continued compliance with protocols required of Exchange members. This new regulatory structure obviates the need for an independent consultant to perform a review of a proposed combination's management and operational efficiencies.

The Exchange further seeks to make consistent the criteria for the Exchange's review of a proposed combination with the requirements for operating a DMM unit. The Exchange will therefore review whether the proposed combined entity will be able to comply with NYSE Rule 103B, Section II[18] as well as the provision of NYSE Rules 98, 103 and 104. Additionally, the Exchange proposes to retain the criteria set forth in the current process and include as part of its review: (1) Whether the proposed combination minimizes both the potential for financial failure and the negative consequences of any such failure on the DMM system as a whole; (2) whether the proposed combination maintains or increases operational efficiencies; (3) the surviving DMM unit's commitment to the Exchange's market; and (4) the effect of the proposed combination on overall concentration of DMM units.[19]

As set forth above, the NYSE has regulations in place to ensure that its members and those members seeking approval as DMM units have the necessary managerial and operational capabilities to operate on the Exchange. Furthermore, these NYSE rules also specifically dictate stringent capital requirements that its members and DMM units are required to maintain in order to comply with NYSE and SEC rules. DMM units that are not capable of meeting these requirements must notify the Exchange immediately and are monitored by the Exchange. Accordingly, the Exchange submits that the retention of the rule requiring an independent consultant to conduct an operational certification regarding a DMM unit's management and operations for proposed combinations would be duplicative and unnecessary since the Exchange has the appropriate procedures and rules in place to regulate its members and DMM units and ensure their compliance with all necessary requirements.

The Exchange's ultimate determination to approve or disapprove a proposed combination will be based upon a determination that the proposed combination has satisfied the criteria set forth in proposed NYSE Rule 123E(d)(1)–(5) and the Exchange determines that the proposed combination would: (1) Not create or foster concentration in the DMM business detrimental to the Exchange and its markets; (2) foster competition among DMM units; and (3) enhance the performance of the constituent DMM unit and the quality of the markets in the securities involved.[20] The Exchange may condition its approval upon compliance by the resulting DMM unit with any steps the Exchange may specify to address any concerns it may have in regard to considerations of the above criteria.

To ensure the fairness of the new process, pursuant to proposed NYSE Rule 123E(f), the Exchange must approve or disapprove a proposed combination within ten (10) business days of the written submission.[21] The Exchange reserves the right to extend its review process if the information submitted by the proponents of the DMM combination is inadequate or requires additional time to review in order for the Exchange to reach a decision.

In any instance where the Exchange does not approve a proposed combination, the proponents of such proposed combination have a right to have such decision reviewed by the Exchange's Board of Directors.

Conclusion

The Exchange believes that the proposed modifications to the Exchange's current administrative procedures relating to the review of a proposed DMM combination, which clarify what constitutes a proposed combination and amend the criteria used to review the proposed combination, are consistent with the current DMM system and will provide a more reasonable review than the current procedures which were predicated on the specialist system and the Exchange's market as they existed in 1994. Moreover, by establishing a deadline for the completion of the review and a right to appeal to the Exchange Board of Directors, the NYSE believes that its process will be fair and

[17] *See, e.g.*, NYSE and FINRA Rules 104, 311, 325–328, 382 and 418.

[18] The Exchange established an allocation system based on a single objective measure to determine a DMM unit's eligibility to participate in the allocation process. *See* Securities Exchange Release No. 58363 (August 14, 2008), 73 FR 49514 (August 21, 2008) (SR–NYSE–2008–52). *See* January 30 e-mail, *supra,* note 11.

[19] The Exchange seeks to eliminate references to certain legacy programs that the Exchange no longer operates. Specifically, NYSE Rule 123E, Supplementary Material. 10(a) refers to participation in a ''FACTS'' program which is no longer maintained by the Exchange.

[20] *See* Proposed NYSE Rule 123E(f). *See* January 30 e-mail, *supra,* note 11.

[21] The Exchange however, reserves the right to extend its review process if the information submitted by the proponents of the combination is inadequate to enable the Exchange to reach a decision.

allow member organizations to properly manage their business initiatives.

2. Statutory Basis

The basis under the Act for the proposed rule change is the requirement under Section 6(b)(5),[22] which requires that an exchange have rules that are designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed rule change is consistent with these objectives in that it enables the Exchange to further enhance the process by which it reviews proposed combinations of DMM units. Through the instant filing to make its internal administrative process related to the Exchange review of a proposed DMM combination consistent with the underlying requirements for DMMs and maintaining criteria that fosters the DMM system, the Exchange believes that it is facilitating transactions. Specifically, the Exchange believes that the proposed changes to the DMM combination review process are necessary to facilitate the continuation of its DMM system which allows the Exchange to provide its market participants with a market maker that is responsible for: (i) Providing liquidity to the market when there is a recognized need for additional liquidity; (ii) bridging the gap between supply/demand by purchasing when no one else is buying or selling when no one else is selling; and (iii) overall maintaining a fair and orderly market, that ultimately removes impediments to and perfects the mechanism of a free and open market and a national market system and, in general, protects investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

[22] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) by its terms, does not become operative for 30 days after the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[23] and Rule 19b–4(f)(6) thereunder.[24]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing.[25] However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requested that the Commission waive the 30-day operative delay and designate the proposed rule change operative upon filing.

The Exchange believes that the instant filing is non-controversial because it amends NYSE Rule123E, which was historically predicated on the specialist system and the Exchange's market as it existed in 1994, to employ simplified criteria to govern a proposed DMM combination. The Exchange believes that such criteria are more consistent with the current DMM system. The Exchange submits that good cause exists to justify waiver of the operative delay in order to allow the Exchange to have an established procedure that is consistent with its new market model. In light of the current economic environment which has witnessed swift consolidations among financial institutions, the Exchange believes that is essential to be equipped with the ability to expeditiously review and approve proposed DMM combinations using criteria that reflects the current operation of the Exchange, thereby maintaining the integrity of the Exchange's DMM systems which ultimately protects investors and the public interest.

[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(f)(6).

[25] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires the self-regulatory organization to give the Commission notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. NYSE has satisfied this requirement.

In light of the forgoing, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission designates the proposal operative upon filing.[26]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[27]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2009–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2009–07. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in

[26] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[27] 15 U.S.C. 78s(b)(3)(C).

the Commission's Public Reference Room on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2009–07 and should be submitted on or before March 13, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–3611 Filed 2–19–09; 8:45 am]

BILLING CODE 8011–01–P

[28] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly notice of PFC approvals and disapprovals. In December 2008, there were six applications approved. This notice also includes information on five other applications, one approved in November 2007, another approved in April 2008, another approved in August 2008, and the remaining two approved in November 2008, inadvertently left off the November 2007, April 2008, August 2008, and November 2008 notices, respectively. Additionally, 19 approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: The Pennsylvania State University, State College, Pennsylvania.

Application Number: 08–05–C–00–UNV.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $4,139,384.

Earliest Charge Effective Date: February 1, 2009.

Estimated Charge Expiration Date: December 1, 2013.

Class of Air Carriers Not Required to Collect PFC's: Air taxis operating under Part 135.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at University Park Airport.

Brief Description of Projects Approved for Collection and Use:

Install guidance signs (convert runway 16/24 to taxiway J), install guidance signs (runway 6/24), install runway 6/24 distance-to-go signs.

Install security control and access improvements.

Modify terminal building, phase III.

Acquire land for terminal development (Alexander, 31.96 acres).

Construct airport traffic control tower, phase III construction.

Acquire aircraft rescue and firefighting safety equipment and fire suits.

Wildlife assessment.

PFC administration.

Decision Date: November 13, 2007.

FOR FURTHER INFORMATION CONTACT: Lori Ledebohm, Harrisburg Airports District Office, (717) 730–2835.

Public Agency: Hattiesburg-Laurel Regional Airport Authority, Moselle, Mississippi.

Application Number: 08–06–C–00–PIB.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $252,457.

Earliest Charge Effective Date: October 1, 2008.

Estimated Charge Expiration Date: May 1, 2013.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

Purchase handicap loading devices.

Upgrade security access and surveillance equipment.

Decision Date: April 30, 2008.

FOR FURTHER INFORMATION CONTACT: William Shuller, Jackson Airports District Office, (601) 664–9883.

Public Agency: Counties of Colbert and Lauderdale, Muscle Shoals, Alabama.

Application Number: 08–05–C–00–MSL.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $120,000.

Earliest Charge Effective Date: April 1, 2009.

Estimated Charge Expiration Date: April 1, 2013.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

Rehabilitate runway 18/36.

Rehabilitate runway 11/29.

Acquire aircraft rescue and firefighting vehicle.

Install new heating/air conditioning units.

Decision Date: August 26, 2008.

FOR FURTHER INFORMATION CONTACT: Keafur Grimes, Jackson Airports District Office, (601) 664–9886.

Public Agency: County of Sacramento, Sacramento, California.

Application Number: 08–08–C–00–SMF.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $603,497,524.

Earliest Charge Effective Date: July 1, 2011.

Estimated Charge Expiration Date: February 1, 2028.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

Terminal modernization program.

Determination: The proposed security facilities were determined to be ineligible because the public agency failed to provide documentation of concurrence from the Transportation Security Administration. In addition, offices associated with the federal inspection services facility and the proposed hotel landscaping did not meet the requirements of § 158.15(b) and, thus, were found ineligible. The proposed engineering, design, construction administration, and other ''soft costs'' were found ineligible because the public agency failed to provide sufficient information to allow the FAA to determine eligibility. Finally, the public agency listed ''contingencies and escalation for inflation'' in its PFC application however, these types of costs are not PFC-eligible.

Decision Date: November 26, 2008.

FOR FURTHER INFORMATION CONTACT: TJ Chen, San Francisco Airports District Office, (650) 876–2778, extension 625.

Public Agency: City of Redmond, Oregon.

Applications Number: 09–07–C–00–RDM.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $25,000,000.

Earliest Charge Effective Date: July 1, 2010.

Estimated Charge Expiration Date: July 1, 2040.

Class of Air Carriers Not Required to Collect PFCS: Nonscheduled/on-demand air carriers filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the Public Agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Roberts Field.

Brief Description of Project Approved for Collection and Use:

Construction terminal expansion.

Decision Date: November 26, 2008.

FOR FURTHER INFORMATION CONTACT: Trang Tran, Seattle Airports District Office, (425) 227–1662.

Public Agency: Pinellas County Board of Commissioners, Clearwater, Florida.

Application Number: 08–02–C–00–PIE.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $2,668,450.

Earliest Charge Effective Date: February 1, 2009.

Estimated Charge Expiration Date: June 1, 2011.

Class of Air Carriers Not Required to Collect PFC's: Air taxi/commercial operators filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at St. Petersburg—Clearwater International Airport.

Brief Description of Projects Approved for Collection and Use:

Terminal improvements.

Airfield improvements.

PFC application administration.

Decision Date: December 19, 2008.

FOR FURTHER INFORMATION CONTACT: Susan Moore, Orlando Airports District Office, (407) 812–6331, extension 120.

Public Agency: County of Broward, Fort Lauderdale, Florida.

Application Number: 08–09–C–00–FLL.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $143,826,944.

Earliest Charge Effective Date: January 1, 2010.

Estimated Charge Expiration Date: October 1, 2012.

Class of Air Carriers Not Required to Collect PFCs:

Nonscheduled/on-demand air carriers.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Fort Lauderdale—Hollywood International Airport.

Brief Description of Projects Approved for Collection and Use at a $3.00 PFC Level:

Airline information system—phase II.

Escalator replacement at terminals T2, T3, and T4.

Flight information display system monitor replacement at terminal 4.

Taxiway and ramp rehabilitation.

Taxiway C—phase I west.

High speed taxiways and add alternates.

Terminals T1, T2, T3, and T4 public restroom and associated infrastructure improvements—phase I.

Comprehensive airport signage system—final planning and construction phase I.

Brief Description of Projects Approved for Collection and Use at a $4.50 PFC Level:

Terminal 4—phase ID—security improvements.

Noise mitigation—design and construction.

Brief Description of Withdrawn Project:

Concourse A—design and construction.

Date of Withdrawal: December 18, 2008.

Decision Date: December 22, 2008.

FOR FURTHER INFORMATION CONTACT: Susan Moore, Orlando Airports District Office, (407) 812–6331, extension 120.

Public Agency: Pitt County—City of Greenville Airport Authority, Greenville, North Carolina.

Application Number: 09–03–C–00–PGV.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $753,324.

Earliest Charge Effective Date: February 1, 2009.

Estimated Charge Expiration Date: August 1, 2012.

Class of Air Carriers Not Required to Collect PFCs:

None.

Brief Description of Projects Approved for Collection and Use:

Americans with Disabilities Act lift device.

Access road lighting.

Runway pavement strength study.

Corporate hangar site development.

Acquire snow removal equipment.

Aircraft rescue and firefighting building rehabilitation/extension.

Enhance taxiway hold markings.

Acquire runway friction meter equipment.

Entrance road improvements—design.

Runway 2/20 runway safety area/extension feasibility study.

Terminal building expansion/renovation study.

Replace glide slope equipment.

Runway 20 obstruction removal.

Security system rehabilitation.

Entrance road improvements.

Runway 2/20 runway safety area/extension/terminal expansion environmental assessment.

Terminal departure area expansion design/construction.

Update airport layout plan/master plan for current critical aircraft geographic information system mapping.

Runway 2/20 crack sealing and remarking.

Apron edge lighting design and construction.

Terminal expansion/rehabilitation resign and permitting.

PFC application development.

PFC application administration.

Brief Description of Projects Approved for Collection:

Runway 2/20 land acquisition phase II.

Runway 2/20 runway safety area extension approach clearing.

Runway 2/20 runway safety area—engineered materials arresting system extension construction, phase I.

Terminal building expansion construction phase I.

Jetway loading bridge.

Brief Description of Disapproved Projects:

Disadvantaged business enterprise program update.

Determination: The project is not PFC eligible.

Runway 2/20 runway safety area/extension design and permitting.

Runway 2/20 land acquisition phase I.

Determination: The public agency did not provide environmental findings for these projects.

Decision Date: December 23, 2008.

FOR FURTHER INFORMATION CONTACT: John Marshall, Atlanta Airports District Office, (404) 305–7153.

Public Agency: County of Onslow, Jacksonville, North Carolina.

Application Number: 09–04–C–00–OAJ.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Decision: $2,117,969.

Earliest Charge Effective Date: February 1, 2009.

Estimated Charge Expiration Date: August 1, 2013.

Class of Air Carriers Not Required to Collect PFCs:

None.

Brief Description of Projects Approved for Collection and Use:

Baggage conveyor system.

Ramp lighting.

Sanitary sewer—phase II—design.

Aircraft rescue and firefighting equipment (command vehicle).

2010 terminal renovations—design.

Communications equipment.

Aeronautical survey.

Aircraft rescue and firefighting equipment (turnout gear).

PFC application development.

PFC program administration.

Terminal area sanitation improvements.

2010 terminal renovations—design.

Brief Description of Projects Approved for Collection:

Terminal building rehabilitation.

Rehabilitate air carrier and general aviation apron—design.

Land acquisition—avigation easement.

Emergency access road improvements.

Air carrier apron rehabilitation.

General aviation apron expansion.

General aviation terminal access road.

Airfield drainage improvements.

Security/wildlife fencing.

Air traffic control tower—design.

Air traffic control tower—construction.

Decision Date: December 23, 2008.

FOR FURTHER INFORMATION CONTACT: John Marshall, Atlanta Airports District Office, (404) 305–7153.

Public Agency: County of Onslow, Jacksonville, North Carolina.

Application Number: 09–05–U–00–OAJ.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total PFC Revenue Approved for Use in This Decision: $110,449.

Charge Effective Date: April 1, 2006.

Estimated Charge Expiration Date: January 1, 2009.

Class of Air Carriers Not Required to Collect PFCs:

No change from previous decision.

Brief Description of Project Approved for Use:

Rehabilitate runway 5/23—overlay.

Decision Date: December 23, 2008.

FOR FURTHER INFORMATION CONTACT: John Marshall, Atlanta Airports District Office, (404) 305–7153.

Public Agency: City of San Jose, California.

Application Number: 08–16–C–00–SJC.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $120,403,000.

Earliest Charge Effective Date: December 1, 2026.

Estimated Charge Expiration Date: May 1, 2029.

Class of Air Carriers Not Required to Collect PFCs:

Nonscheduled/on-demand air carriers filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Norman Y. Mineta San Jose International Airport.

Brief Description of Project Approved for Collection and Use at a $4.50 PFC Level:

Terminal B extension, phase I.

Brief Description of Project Approved for Collection and Use at a $3.00 PFC Level:

Roadway improvements: grade separations.

Decision Date: December 24, 2008.

FOR FURTHER INFORMATION CONTACT: Ron Biaoco, San Francisco Airports District Office, (650) 876–2778, extension 626.

AMENDMENTS TO PFC APPROVALS

Amendment No. city, state	Amended approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
95–01–C–07–MKE Milwaukee, WI	11/28/08	$21,147,706	$21,160,635	05/01/98	05/01/98
99–04–U–03–MKE Milwaukee, WI	11/28/08	NA	NA	05/01/98	05/01/98
95–03–C–07–MKE Milwaukee, WI	11/28/08	42,739,428	42,759,321	12/01/04	12/01/04
00–05–U–03–MKE Milwaukee, WI	11/28/08	NA	NA	12/01/04	12/01/04
00–06–C–06–MKE Milwaukee, WI	11/28/08	130,560,739	130,073,834	02/01/14	11/01/13
06–05–C–02–MOB Mobile, AL	12/09/08	239,500	1,693,628	02/01/10	02/01/12
04–05–C–01–HTS Huntington, WV	12/11/08	436,233	967,127	12/01/08	12/01/08
95–02–C–05–EWR Newark, NJ	12/18/08	329,343,000	329,343,000	11/01/01	11/01/01
05–05–C–02–EWR Newark, NJ	12/18/08	538,647,755	538,647,755	03/01/11	03/01/11
04–01–C–01–ELM Elmira, NY	12/18/08	791,873	733,043	01/01/08	01/01/08
08–02–C–01–ELM Elmira, NY	12/18/08	641,046	641,046	03/01/10	03/01/10
95–02–C–02–JFK New York, NY	12/18/08	307,600,500	307,600,500	11/01/01	11/01/01
95–02–C–02–LGA New York, NY	12/18/08	248,056,500	248,056,500	11/01/01	11/01/01
05–05–C–02–JFK New York, NY	12/18/08	615,508,500	615,508,500	03/01/11	03/01/11
05–05–C–02–LGA New York, NY	12/18/08	401,729,804	401,729,804	03/01/11	03/01/11
*02–03–C–03–PWM Portland, ME	12/23/08	19,425,418	18,945,754	09/01/12	11/01/10
01–02–C–01–PGV Greenville, NC	12/23/08	1,480,404	1,300,861	05/01/09	02/01/09
04–02–C–01–OAJ Jacksonville, NC	12/23/08	667,815	639,769	04/01/05	04/01/05
06–03–C–01–OAJ Jacksonville, NC	12/23/08	759,469	784,706	01/01/09	01/01/09

Note: The amendment denoted by an asterisk (*) includes a change to the PFC level charged from $3.00 per enplaned passenger to $4.50 per enplaned passenger. For Portland, ME, this change is effective on February 1, 2009.

Issued in Washington, DC, on February 12, 2009.

Joe Hebert,

Manager, Financial Analysis and Passenger Facility Charge Branch.

[FR Doc. E9–3532 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2009–0057]

Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on certain information collections pertaining to pipeline safety for which PHMSA intends to request renewal from the Office of Management and Budget (OMB).

DATES: Interested persons are invited to submit comments on or before April 21, 2009.

ADDRESSES: You may submit comments identified by the docket number (PHMSA–2009–0057) by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *FAX:* 1–202–493–2251.
- *Mail:* Docket Management System, 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:* Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number or Regulation Identification Number (RIN) for this notice. Internet users may access comments received by DOT at: *http://www.regulations.gov.* Note that comments received will be posted without change to: *http://www.regulations.gov.* including any personal information provided.

Requests for a copy of an information collection should be directed to Cameron Satterthwaite, Office of Pipeline Safety (PHP–30), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE., East Building, 2nd Floor, Washington, DC 20590–0001, Telephone (202) 366–1319.

FOR FURTHER INFORMATION CONTACT: Cameron Satterthwaite, Office of Pipeline Safety (PHP–30), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE., East Building, 2nd Floor, Washington, DC 20590–0001, Telephone (202) 366–8553.

SUPPLEMENTARY INFORMATION: Section 1320.8(d), Title 5, Code of Federal Regulations requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies information collection requests that PHMSA will be submitting to OMB for renewal and extension. These information collections are contained in the pipeline safety regulations, 49 CFR parts 190–199. PHMSA has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on changes in proposed or final rules published since the information collections were last approved. The following information is provided for each information collection: (1) Title of the information collection; (2) OMB control number; (3) type of request; (4) abstract of the information collection activity; (5) description of affected public; (6) estimate of total annual reporting and recordkeeping burden; and (7) frequency of collection. PHMSA will request a three-year term of approval for each information collection activity.

PHMSA requests comments on the following information collections:

Title: Response Plans for Onshore Oil Pipelines.

OMB Control Number: 2137–0589.

Type of Request: Renewal of a currently approved information collection.

Abstract: 49 CFR Part 194 requires an operator of an onshore oil pipeline facility to prepare and submit an oil spill response plan to PHMSA for review and approval.

Affected Public: Operators of onshore oil pipeline facilities.

Recordkeeping:

Number of Respondents: 367.

Total Annual Burden Hours: 50,186.

Frequency of Collection: On occasion.

Title: Pipeline Integrity Management in High Consequence Areas Gas Transmission Pipeline Operators.

OMB Control Number: 2137-0610.

Type of Request: Renewal of a currently approved information collection.

Abstract: 49 CFR 192.947 requires operators of gas transmission pipelines located in or near high consequence areas to maintain a written integrity management program and records showing compliance with 49 CFR part 192, subpart O. In addition, operators must submit documentation relative to their integrity management program to PHMSA as applicable.

Affected Public: Operators of gas transmission pipelines located in or near high consequence areas.

Recordkeeping:

Number of Respondents: 721.

Total Annual Burden Hours: 1,030,343.

Frequency of collection: On occasion.

Issued in Washington, DC on February 17, 2009.

John A. Gale,

Director of Regulations.

[FR Doc. E9–3667 Filed 2–19–09; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[IA–17–90]

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, IA–17–90 (TD 8571), Reporting Requirements for Recipients of Points Paid on Residential Mortgages (§§ 1.6050H–1 and 1.6050H–2).

DATES: Written comments should be received on or before April 21, 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 this regulation should be directed to Carolyn N. Brown, at (202) 622–6688, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Carolyn.N.Brown@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Reporting Requirements for Recipients of Points Paid on Residential Mortgages.

OMB Number: 1545–1380.

Regulation Project Number: IA–17–90.

Abstract: These regulations require the reporting of certain information relating to payments of mortgage interest. Taxpayers must separately state on Form 1098 the amount of points and the amount of interest (other than points) received during the taxable year on a single mortgage and must provide to the payer of the points a separate statement setting forth the information being reported to the IRS.

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: 37,644.

Estimated Time per Respondent: 7 hrs., 31 minutes.

Estimated Total Annual Burden Hours: 283,056.

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 11, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–3570 Filed 2–19–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5310–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 5310–A, Notice of Plan Merger or Consolidation, Spinoff, or Transfer of Plan Assets or Liabilities; Notice of Qualified Separate Lines of Business.

DATES: Written comments should be received on or before *April 21, 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 Carolyn N. Brown at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6688, or through the Internet at *Carolyn.N.Brown@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Notice of Plan Merger or Consolidation, Spinoff, or Transfer of Plan Assets or Liabilities; Notice of Qualified Separate Lines of Business.

OMB Number: 1545–1225.

Form Number: 5310–A.

Abstract: Internal Revenue Code section 6058(b) requires plan administrators to notify IRS of any plan mergers, consolidations, spinoffs, or transfers of plan assets or liabilities to another plan. Code section 414(r) requires employers to notify IRS of separate lines of business for their deferred compensation plans. Form 5310–A is used to make these notifications.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 15,000.

Estimated Time per Respondent: 10 hours, 35 minutes.

Estimated Total Annual Burden Hours: 158,800.

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 10, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–3565 Filed 2–19–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–92–90]

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, PS–92–90 (TD 8395), Special Valuation Rules (Sections 25.2701–2, 25.2701–4, and 301.6501(c)–1).

DATES: Written comments should be received on or before April 21, 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 Carolyn N. Brown at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6688, or through the Internet at *Carolyn.N.Brown@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Special Valuation Rules.

OMB Number: 1545–1241.

Regulation Project Number: PS–92–90.

Abstract: Section 2701 of the Internal Revenue Code allows various elections by family members who make gifts of common stock or partnership interests and retain senior interests in the same entity. This regulation provides guidance on how taxpayers make these elections, what information is required, and how the transfer is to be disclosed on the gift tax return (Form 709).

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 1,200.

Estimated Time per Respondent: 25 minutes.

Estimated Total Annual Burden Hours: 496.

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 11, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–3568 Filed 2–19–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[CO–26–96]

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, CO–26–96 (TD 8825), Regulations Under Section 382 of the Internal Revenue Code of 1986; Application of Section 382 in Short Taxable Years and With Respect to Controlled Groups (§ 1.382–8).

DATES: Written comments should be received on or before April 21, 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 regulation should be directed to Carolyn N. Brown, (202) 622–6688, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Carolyn.N.Brown@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Regulations under Section 382 of the Internal Revenue Code of 1986; Application of Section 382 in Short Taxable Years and With Respect to Controlled Groups.

OMB Number: 1545–1434.

Regulation Project Number: CO–26–96.

Abstract: Internal Revenue Code section 382 limits the amount of income that can be offset by loss carryovers after an ownership change in a loss corporation. These regulations provide rules for applying section 382 in the case of short taxable years and with respect to controlled groups of corporations.

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: 3,500.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 875.

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 11, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–3602 Filed 2–19–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Summary of Precedent Opinions of the General Counsel

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is publishing a summary of legal interpretations issued by the Office of General Counsel involving Veterans' benefits under laws administered by VA. This interpretation is considered precedential by VA and will be followed by VA officials and employees in future claim matters involving the same legal issues. The summary is published to provide the public, and, in particular, Veterans' benefits claimants and their representatives, with notice of VA's interpretation regarding the legal matter at issue.

FOR FURTHER INFORMATION CONTACT: Susan P. Sokoll, Law Librarian, Department of Veterans Affairs, 810 Vermont Avenue, NW. (026H), Washington, DC 20420, (202) 461–7623.

SUPPLEMENTARY INFORMATION: VA regulations at 38 CFR 2.6(e)(8) delegates to the General Counsel the power to designate an opinion as precedential and 38 CFR 14.507(b) specifies that precedential opinions involving Veterans' benefits are binding on VA officials and employees in subsequent matters involving the legal issue decided in the precedent opinion. The interpretation of the General Counsel on legal matters, contained in such opinions, is conclusive as to all VA officials and employees not only in the matter at issue but also in future adjudications and appeals involving the same legal issues, in the absence of a change in controlling statute or regulation or a superseding written legal opinion of the General Counsel.

VA publishes summaries of such opinions in order to provide the public with notice of those interpretations of the General Counsel that must be followed in future benefit matters and to assist Veterans' benefits claimants and their representatives in the prosecution of benefit claims. The full text of such opinions, with personal identifiers deleted, may be obtained by contacting the VA official named above or by accessing the opinions on the internet at *http://www.va.gov/ogc/precedentopinions.asp.*

VAOPGCPREC 2–2008

Opinion withdrawn and superseded by VAOPGCPREC 3–2008.

VAOPGCPREC 3–2008

Questions Presented

1. Are the rehabilitation and vocational benefits described in section 1631(b)(1) of Public Law 110–181 to be provided by the Veterans Health Administration (VHA) under chapter 17 of title 38, United States Code, or by the Veterans Benefits Administration (VBA) under chapter 31 of that title?

2. Further, if section 1631(b)(1) relates to benefits under chapter 31, clarification is requested of the following issues:

(a) What is the mechanism for establishing eligibility and entitlement to rehabilitation and vocational services under section 1631(b)(1)? For example, would a qualifying individual be required to provide documentation of a Physical Evaluation Board to VA?

(b) What, if any, is VA's responsibility to develop potential eligibility/entitlement under Public Law No. 110–181 if a Veteran or servicemember with no VA service-connected disability rating or memorandum rating applies for chapter 31 benefits?

(c) Are individuals qualifying under Public Law No. 110–181 required to complete a VA Form 28–1900 or some other form of application before chapter 31 benefits can be provided by VA?

(d) Are the current limitations on services to active-duty servicemembers applicable to individuals who are entitled to rehabilitation and vocational benefits under Public Law No. 110–181 while they remain on active duty? For example, under current law active-duty servicemembers may not receive a subsistence allowance, a revolving fund advance, or a rehabilitation program consisting solely of independent living services under chapter 31.

(e) We believe that certain actions and processes are essential to the provision of services under chapter 31. Is VA precluded from requiring those individuals qualifying under Public Law No. 110–181 to complete an initial evaluation to:

(1) Verify the information/documentation that qualifies the individual?

(2) Determine whether an employment handicap or serious employment handicap exists?

(3) Determine the feasibility of achieving a vocational goal?

(4) Complete any assessment and/or testing needed to begin rehabilitation planning?

Held

1. The rehabilitation and vocational benefits described in section 1631(b)(1) of Public Law 110–181 (hereafter referred to as ''section 1631(b)(1)'') must be provided, respectively, by both the Veterans Health Administration (VHA) under chapter 17 of title 38, United States Code, and the Veterans Benefits Administration (VBA), through the VR&E Service, under chapter 31 of that title.

2. With regard to the provision of benefits under chapter 31, addressed in questions 2 (a) through (e) of your request, please refer to paragraph 5 below. This opinion supersedes our opinion on this subject dated June 25, 2008.

Effective Date: December 18, 2008.

VAOPGCPREC 1–2009

Question Presented

a. If a Veteran's surviving spouse who was entitled to the 38 U.S.C. 5310(b) benefit for the month of the Veteran's death dies before receiving the benefit, is VA required to pay to the estate of the deceased surviving spouse the amount of the section 5310(b) benefit the

surviving spouse would have received but for his or her death?

b. If the answer to Question a. is no, if a surviving spouse entitled to the section 5310(b) benefit dies before receiving the benefit, is the benefit, aside from any portion of the benefit that is payable as accrued benefits under 38 U.S.C. 5121 pursuant to the terms of section 5310(b)(2), subject to the accrued benefits provisions of section 5121, in which case a non-spouse survivor would be required to file a claim for the section 5310(b) benefit, and, if so, to what extent is VA required to locate the persons identified in section 5121(a)(2)?

Held

a. Section 5310(b)(1) of title 38, United States Code, provides a benefit for the surviving spouse of a Veteran who dies while in receipt of disability compensation or pension, if the surviving spouse is not entitled to death benefits under chapter 11, 13, or 15 of title 38 for the month of the Veteran's death. If a Veteran's surviving spouse who was entitled to the section 5310(b)(1) benefit dies before receiving the benefit, VA is not required to pay to the deceased surviving spouse's estate the amount of the section 5310(b) benefit the surviving spouse would have received but for his or her death because entitlement to the benefit would terminate with the death of the surviving spouse.

b. Section 5310(b)(2) provides in part that, if a check or other payment issued to, and in the name of, the deceased Veteran as a benefit payment under chapter 11 or 15 of title 38, United States Code, for the month in which death occurs is in an amount less than the amount of the benefit a surviving spouse is eligible to receive under section 5310(b)(1), ''the unpaid amount shall be treated in the same manner as an accrued benefit under section 5121 of [title 38].'' If a surviving spouse entitled to the section 5310(b)(1) benefit dies before receiving the benefit, the section 5310(b)(1) benefit, aside from any unpaid portion of the benefit that is payable as accrued benefits under section 5121 pursuant to the provision quoted above, is not subject to the accrued benefits provisions of section 5121 because the section 5310(b)(1) benefit is a one-time payment for the Veteran's month of death and, therefore, cannot be considered ''periodic monetary benefits'' for purposes of section 5121.

Effective Date: January 22, 2009.

VAOPGCPREC 2–2009

Question Presented

Does the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Public Law No. 110–329, Div. E, tit. II, § 205, 122 Stat. 3574, 3709 (2008), which provides that Department of Veterans Affairs (VA) appropriations may not be used for ''examination of any persons'' except certain groups, including ''beneficiaries entitled to * * * examination under the laws providing such benefits to Veterans,'' preclude the use of VA appropriations to provide examinations to active duty service members enrolled in the Disability Evaluation System (DES) pilot program?

Held

Department of Veterans Affairs appropriations may be used to provide an examination to an active duty service member enrolled in the Department of Defense (DoD) Disability Evaluation System pilot program following referral to a DoD Medical Evaluation Board because of a potentially unfitting condition and completion of VA Form 21–0819, VA/DOD Joint Physical Evaluation Board Claim by the member.

Effective Date: February 10, 2009.

Dated: February 13, 2009.

By Direction of the Secretary.

John H. Thompson,

Acting General Counsel.

[FR Doc. E9–3631 Filed 2–19–09; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Friday,
February 20, 2009

Part II

Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5280–N–06]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7262, Washington, DC 20410; telephone (202) 708–1234; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD reviewed in 2008 for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. In accordance with 24 CFR part 581.3(b) landholding agencies are required to notify HUD by December 31, 2008, the current availability status and classification of each property controlled by the Agencies that were published by HUD as suitable and available which remain available for application for use by the homeless.

Pursuant to 24 CFR part 581.8(d) and (e) HUD is required to publish a list of those properties reported by the Agencies and a list of suitable/unavailable properties including the reasons why they are not available.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Rita, Division of Property Management, Program Support Center, HHS, room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *U.S.Army:* Veronica Rines, Headquarters, Department of the Army, Office of the Assistant Chief of Staff for Installation Management, Attn: DAIM–MD, Room 8536, 2511 JeffersonDavis Hwy, Arlington, VA 22202; (703) 601–2545; *Corps of Engineers:* Kim Shelton, Office of Counsel, CECC–R, 441 G Street, Washington, DC 20314–1000; (202) 761–7696; *U.S. Navy:* Mary Arndt, Dept. of Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374–5065; (202) 685–9305; *U.S. Air Force:* Robert Moore, Air Force Real Property Agency, 143 Billy Mitchell Blvd., Suite 1, San Antonio, TX 78226; (210) 925–3047; *GSA:* John E.B. Smith, Office of Property Disposal, GSA, 18th and F Streets NW., Washington, DC 20405; (202) 501–0084; *Dept. of Veterans Affairs:* George Szwarcman, Real Property Service, Dept. of Veterans Affairs, room 555, 811 Vermont Ave. NW., Washington, DC 20420; (202) 565–5398; *Dept. of Interior:* Michael Wright, Acquisition & Property Management, Dept. of Interior, 1849 C St. NW., MS 2603, Washington, DC 20240; (202) 208–5399; (These are not toll-free numbers).

Dated: February 5, 2009.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

TITLE V PROPERTIES REPORTED IN YEAR 2008 WHICH ARE SUITABLE AND AVAILABLE

Air Force

California

Building

Facility 1
Property Number: 18200830012
OTHB Radar Site
Tulelake CA 91634
Status: Unutilized
Comments: 7920 sq. ft., most recent use—communications

Facility 2
Property Number: 18200830014
OTHB Radar Site
Tulelake CA 91634
Status: Unutilized
Comments: 900 sq. ft., most recent use—veh maint shop

Facilities 3, 4
Property Number: 18200830015
OTHB Radar Site
Tulelake CA 91634
Status: Unutilized
Comments: 4160 sq. ft. each, most recent use—communications

Facility 1
Property Number: 18200830016
OTHB Radar Site
Christmas Valley CA 97641
Status: Unutilized
Comments: 16566 sq. ft., most recent use—communications

Facility 2
Property Number: 18200830017
OTHB Radar Site
Christmas Valley CA 97641
Status: Unutilized
Comments: 900 sq. ft., most recent use—veh maint shop

Facility 4
Property Number: 18200830018
OTHB Radar Site
Christmas Valley CA 97641
Status: Unutilized
Comments: 14,190 sq. ft., most recent use—communications

Facility 6
Property Number: 18200830019
OTHB Radar Site
Christmas Valley CA 97641
Status: Unutilized
Comments: 14,190 sq. ft., most recent use—transmitter bldg.

Land

Parcels L1 & L2
Property Number: 18200820034
George AFB
Victorville CA 92394
Status: Excess
Comments: 157 acres/desert, pump-and-treat system, groundwater restrictions, AF access rights, access restrictions, environmental concerns

Hawaii

Building

Bldg. 849
Property Number: 18200330008
Bellows AFS
Bellows AFS HI
Status: Unutilized
Comments: 462 sq. ft., concrete storage facility, off-site use only

Maine

Building

Bldgs 1, 2, 3, 4
Property Number: 18200840009
OTH–B Radar Site

Columbia Falls ME
Status: Unutilized
Comments: Various sq. ft., most recent use—storage/office

Missouri

Land

Communications Site
Property Number: 18200710001
County Road 424
Dexter Co: Stoddard MO
Status: Unutilized
Comments: 10.63 acres

New York

Building

Bldg. 240
Property Number: 18200340023
Rome Lab
Rome Co: Oneida NY 13441
Status: Unutilized
Comments: 39108 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Bldg. 247
Property Number: 18200340024
Rome Lab
Rome Co: Oneida NY 13441
Status: Unutilized
Comments: 13199 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Bldg. 248
Property Number: 18200340025
Rome Lab
Rome Co: Oneida NY 13441
Status: Unutilized
Comments: 4000 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Bldg. 302
Property Number: 18200340026
Rome Lab
Rome Co: Oneida NY 13441
Status: Unutilized
Comments: 10288 sq. ft., presence of asbestos, most recent use—communications facility

North Carolina

Land

0.14 acres
Property Number: 18200810001
Pope AFB
Pope AFB NC
Status: Excess
Comments: Most recent use—middle marker, easement for entry

Texas

Land

0.13 acres
Property Number: 18200810002
DYAB, Dyess AFB
Tye Co: Taylor TX 79563
Status: Unutilized
Comments: Most recent use—middle marker, access limitation

Army

Alaska

Building

Bldg. 00001
Property Number: 21200340075
Kiana Natl Guard Armory
Kiana AK 99749
Status: Excess
Comments: 1200 sq. ft., butler bldg., needs repair, off-site use only

Bldg. 00001
Property Number: 21200710051
Holy Cross Armory
High Cross AK 99602
Status: Excess
Comments: 1200 sq. ft. armory, off-site use only

Bldg. 105
Property Number: 21200820144
Ft. Richardson
Ft. Richardson AK 99505
Status: Excess
Comments: 4992 sq. ft., most recent use—housing, off-site use only

Bldgs. 112, 113, 114, 115
Property Number: 21200820145
Ft. Richardson
Ft. Richardson AK 99505
Status: Excess
Comments: 5184 sq. ft., most recent use—housing, off-site use only

Bldgs. 120, 129, 139, 148
Property Number: 21200820146
Ft. Richardson
Ft. Richardson AK 99505
Status: Excess
Comments: 4766 sq. ft., most recent use—housing, off-site use only

Bldg. 136
Property Number: 21200820147
Ft. Richardson
Ft. Richardson AK 99505
Status: Excess
Comments: 2383 sq. ft., most recent use—housing, off-site use only

Bldgs. 366, 367, 371, 373
Property Number: 21200820148
Ft. Richardson
Ft. Richardson AK 99505
Status: Excess
Comments: 13,743 sq. ft., most recent use—housing, off-site use only

Bldgs. 369, 372
Property Number: 21200820149
Ft. Richardson
Ft. Richardson AK 99505
Status: Excess
Comments: 12,642 sq. ft., most recent use—housing, off-site use only

Bldgs. 392, 394
Property Number: 21200820150
Ft. Richardson
Ft. Richardson AK 99505
Status: Excess
Comments: 18,496 sq. ft., most recent use—housing, off-site use only

12 Bldgs.
Property Number: 21200820151
Ft. Richardson
Ft. Richardson AK 99505
Location: 413, 414, 415, 416, 417, 418, 424, 425, 427, 428, 429, 431
Status: Excess
Comments: 13,056 sq. ft., most recent use—housing, off-site use only

Arizona

Building

Bldg. S–306
Property Number: 21199420346
Yuma Proving Ground
Yuma Co: Yuma/La Paz AZ 85365–9104
Status: Unutilized
Comments: 4103 sq. ft., 2-story, needs major rehab, off-site use only

Bldg. 503, Yuma Proving Ground
Property Number: 21199520073
Yuma Co: Yuma AZ 85365–9104
Status: Underutilized
Comments: 3789 sq. ft., 2-story, major structural changes required to meet floor loading code requirements, presence of asbestos, off-site use only

Bldg. 43002
Property Number: 21200440066
Fort Huachuca
Cochise AZ 85613–7010
Status: Excess
Comments: 23,152 sq. ft., presence of asbestos/lead paint, most recent use—dining, off-site use only

California

Building

Bldgs. 18026, 18028
Property Number: 21200130081
Camp Roberts
Monterey CA 93451–5000
Status: Excess
Comments: 2024 sq. ft., concrete, poor condition, off-site use only

Colorado

Building

Bldgs. 25, 26, 27
Property Number: 21200420178
Pueblo Chemical Depot
Pueblo CO 81006
Status: Unutilized
Comments: 1311 sq. ft., presence of asbestos/lead paint, most recent use—housing, off-site use only

Bldg. 00127
Property Number: 21200420179
Pueblo Chemical Depot
Pueblo CO 81006
Status: Unutilized
Comments: 8067 sq. ft., presence of asbestos, most recent use—barracks, off-site use only

Bldg. 01516
Property Number: 21200640116
Fort Carson
El Paso CO 80913
Status: Unutilized
Comments: 723 sq. ft., needs repair, most recent use—storage, off-site use only

Georgia

Building

Bldg. 322
Property Number: 21199720156
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Status: Unutilized
Comments: 9600 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 2593
Property Number: 21199720167
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Status: Unutilized
Comments: 13644 sq. ft., needs rehab, most recent use—parachute shop, off-site use only

Bldg. 2595
Property Number: 21199720168
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Status: Unutilized
Comments: 3356 sq. ft., needs rehab, most recent use—chapel, off-site use only

Bldg. 4232
Property Number: 21199830291
Fort Benning
null Co: Muscogee GA 31905
Status: Unutilized
Comments: 3720 sq. ft., needs rehab, most recent use—maint. bay, off-site use only

Bldgs. 5974–5978
Property Number: 21199930135
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Status: Unutilized
Comments: 400 sq. ft., most recent use—storage, off-site use only

Bldg. 5993
Property Number: 21199930136
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Status: Unutilized
Comments: 960 sq. ft., most recent use—storage, off-site use only

Bldg. 5994
Property Number: 21199930137
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Status: Unutilized
Comments: 2016 sq. ft., most recent use—storage, off-site use only

Bldg. T–1003
Property Number: 21200030085
Fort Stewart
Hinesville Co: Liberty GA 31514
Status: Excess
Comments: 9267 sq. ft., poor condition, most recent use—admin., off-site use only

Bldg. T0130
Property Number: 21200230041
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Status: Excess
Comments: 10,813 sq. ft., off-site use only

Bldg. T0157
Property Number: 21200230042
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Status: Excess
Comments: 1440 sq. ft., off-site use only

Bldgs. T291, T292
Property Number: 21200230044
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Status: Excess
Comments: 5220 sq. ft. each, off-site use only

Bldg. T0295
Property Number: 21200230045
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Status: Excess
Comments: 5220 sq. ft., off-site use only

Bldg. 4476
Property Number: 21200420034
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Comments: 3148 sq. ft., most recent use—veh. maint. shop, off-site use only

Bldg. 9029
Property Number: 21200420050
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Comments: 7356 sq. ft., most recent use—heat plant bldg., off-site use only

Bldg. T924
Property Number: 21200420194
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Comments: 9360 sq. ft., most recent use—warehouse, off-site use only

Bldg. 00924
Property Number: 21200510065
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Comments: 9360 sq. ft., most recent use—warehouse, off-site use only

Bldg. 08585
Property Number: 21200530078
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Status: Excess
Comments: 165 sq. ft., most recent use—plant, off-site use only

Bldg. 01150
Property Number: 21200610037
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Status: Excess
Comments: 137 sq. ft., most recent use—flam mat storage, off-site use only

Bldg. 01151
Property Number: 21200610038
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Status: Excess
Comments: 78 sq. ft., most recent use—flam mat storage, off-site use only

Bldg. 01153
Property Number: 21200610039
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Status: Excess
Comments: 211 sq. ft., most recent use—flam mat storage, off-site use only

Bldg. 01530
Property Number: 21200610048
Fort Stewart
Liberty GA 31314
Status: Excess
Comments: 80 sq. ft., most recent use—scale house, off-site use only

Bldg. 08032
Property Number: 21200610051
Fort Stewart
Liberty GA 31314
Status: Excess
Comments: 2592 sq. ft., needs rehab, most recent use—storage/stable, off-site use only

Bldg. 07783
Property Number: 21200640093
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 8640 sq. ft., most recent use—maintenance hangar, off-site use only

Bldg. 08061
Property Number: 21200640094
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 1296 sq. ft., most recent use—weather station, off-site use only

Bldg. 00100
Property Number: 21200740052
Hunter Army Airfield
Chatham GA 31409
Status: Excess
Comments: 10893 sq. ft., most recent use—battalion hdqts., off-site use only

Bldg. 00129
Property Number: 21200740053
Hunter Army Airfield
Chatham GA 31409
Status: Excess
Comments: 4815 sq. ft., presence of asbestos, most recent use—religious education facility, off-site use only

Bldg. 00145
Property Number: 21200740054
Hunter Army Airfield
Chatham GA 31409
Status: Excess
Comments: 11590 sq. ft., presence of asbestos, most recent use—post chapel, off-site use only

Bldg. 00811
Property Number: 21200740055
Hunter Army Airfield
Chatham GA 31409
Status: Excess
Comments: 42853 sq. ft., most recent use—co hq bldg, off-site use only

Bldg. 00812
Property Number: 21200740056
Hunter Army Airfield
Chatham GA 31409
Status: Excess
Comments: 1080 sq. ft., most recent use—power plant, off-site use only

Bldg. 00850
Property Number: 21200740057
Hunter Army Airfield
Chatham GA 31409
Status: Excess
Comments: 108,287 sq. ft., presence of asbestos, most recent use—aircraft hangar, off-site use only

Bldg. 00860
Property Number: 21200740058
Hunter Army Airfield
Chatham GA 31409
Status: Excess
Comments: 10679 sq. ft., presence of asbestos, most recent use—maint. hangar, off-site use only

Bldg. 01028
Property Number: 21200740059
Hunter Army Airfield
Chatham GA 31409
Status: Excess
Comments: 870 sq ft., most recent use—storage, off-site use only

Bldg. 00955
Property Number: 21200740060
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 120 sq. ft., most recent use—storage, off-site use only

Bldg. 00957
Property Number: 21200740061
Fort Stewart
Hinesville GA 31314
Status: Excess

Comments: 6072 sq. ft., most recent use—recycling facility, off-site use only

Bldg. 00971
Property Number: 21200740062
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 4000 sq. ft., most recent use—vehicle maint., off-site use only

Bldg. 01015
Property Number: 21200740063
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 7496 sq. ft., most recent use—storage, off-site use only

Bldg. 01209
Property Number: 21200740064
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 4786 sq. ft., presence of asbestos, most recent use—vehicle maint., off-site use only

Bldg. 07335
Property Number: 21200740065
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 4400 sq. ft., most recent use—chapel, off-site use only

Bldg. 245
Property Number: 21200740178
Fort Benning
Ft. Benning GA 31905
Status: Unutilized
Comments: 1102 sq. ft., most recent use—fld ops, off-site use only

Bldg. 2748
Property Number: 21200740180
Fort Benning
Ft. Benning GA 31905
Status: Unutilized
Comments: 3990 sq. ft., most recent use—office, off-site use only

Bldg. 3866
Property Number: 21200740182
Fort Benning
Ft. Benning GA 31905
Status: Unutilized
Comments: 944 sq. ft., most recent use—office, off-site use only

Bldg. 8682
Property Number: 21200740183
Fort Benning
Ft. Benning GA 31905
Status: Unutilized
Comments: 780 sq. ft., most recent use—admin., off-site use only

Bldg. 10800
Property Number: 21200740184
Fort Benning
Ft. Benning GA 31905
Status: Unutilized
Comments: 16,628 sq. ft., off-site use only

Bldgs. 11302, 11303, 11304
Property Number: 21200740185
Fort Benning
Ft. Benning GA 31905
Status: Unutilized
Comments: Various sq. ft., most recent use—ACS center, off-site use only

Bldg. 0297
Property Number: 21200810045
Ft. Benning
Chattahoochie GA 31905
Status: Excess
Comments: 4839 sq. ft., most recent use—riding stable, off-site use only

Bldg. 3819
Property Number: 21200810046
Ft. Benning
Chattahoochie GA 31905
Status: Excess
Comments: 4241 sq. ft., most recent use—training, off-site use only

Bldg. 10802
Property Number: 21200810047
Ft. Benning
Chattahoochie GA 31905
Status: Excess
Comments: 3182 sq. ft., most recent use—storage, off-site use only

Bldg. 00926
Property Number: 21200840061
Hunter Army Airfield
Savannah GA 31409
Status: Excess
Comments: 1752 sq. ft., most recent use—BN, HQ bldg., off-site use only

Bldg. 01021
Property Number: 21200840062
Hunter Army Airfield
Savannah GA 31409
Status: Excess
Comments: 6855 sq. ft., most recent use—admin., presence of asbestos, off-site use only

Bldg. 07335
Property Number: 21200840063
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 4400 sq. ft., most recent use—chapel, off-site use only

Bldg. 07778
Property Number: 21200840064
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 1189 sq. ft., most recent use—admin., off-site use only

7 Bldgs.
Property Number: 21200840065
Fort Stewart
Hinesville GA 31314
Location: 12601, 12602, 12603, 12605, 12606, 12607, 12609
Status: Excess
Comments: 2953 sq. ft. each, presence of asbestos, most recent use—barracks, off-site use only

9 Bldgs.
Property Number: 21200840066
Fort Stewart
Hinesville GA 31314
Location: 12610, 12611, 12612, 12613, 12614, 12615, 12616, 12617, 12618
Status: Excess
Comments: 2953 sq. ft., presence of asbestos, most recent use—barracks, off-site use only

Bldg. 12619
Property Number: 21200840067
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 3099 sq. ft. presence of asbestos, most recent use—barracks, off-site use only

Bldg. 12682
Property Number: 21200840068
Fort Stewart
Hinesville GA 31314
Status: Excess
Comments: 120 sq. ft., presence of asbestos, most recent use—fuel/POL bldg., off-site use only

Hawaii

Building

P–88
Property Number: 21199030324
Aliamanu Military Reservation
Honolulu Co: Honolulu HI 96818
Location: Approximately 600 feet from Main Gate on Aliamanu Drive.
Status: Unutilized
Comments: 45,216 sq. ft. underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations

Illinois

Building

Bldg. 54
Property Number: 21199620666
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299
Status: Unutilized
Comments: 2000 sq. ft., most recent use—oil storage, needs repair, off-site use only

Bldg. AR112
Property Number: 21200110081
Sheridan Reserve
Arlington Heights IL 60052–2475
Status: Unutilized
Comments: 1000 sq. ft., off-site use only

Bldgs. 634, 639
Property Number: 21200740186
Fort Sheridan
Ft. Sheridan IL 60037
Status: Unutilized
Comments: 3731/3706 sq. ft., most recent use—classroom/storage, off-site use only

Iowa

Building

Bldg. 00691
Property Number: 21200510073
Iowa Army Ammo Plant
Middletown Co: Des Moines IA 52638
Status: Unutilized
Comments: 2581 sq. ft. residence, presence of lead paint, possible asbestos

Bldg. 00691
Property Number: 21200520113
Iowa Army Ammo Plant
Middletown Co: Des Moines IA 52638
Status: Unutilized
Comments: 2581 sq. ft., presence of asbestos/lead paint, most recent use—residential

Kentucky

Building

Bldgs. 02660, 03706
Property Number: 21200830003
Fort Campbell
Christian KY 42223
Status: Underutilized
Comments: 4000 sq. ft. each, off-site use only

Louisiana

Building

Bldg. 8423, Fort Polk
Property Number: 21199640528
Ft. Polk Co: Vernon Parish LA 71459
Status: Underutilized
Comments: 4172 sq. ft., most recent use—barracks

Bldg. T7125
Property Number: 21200540088
Fort Polk
Ft. Polk LA 71459
Status: Unutilized
Comments: 1875 sq. ft., off-site use only

Bldgs. T7163, T8043
Property Number: 21200540089
Fort Polk
Ft. Polk LA 71459
Status: Unutilized
Comments: 4073/1923 sq. ft., off-site use only

Maryland

Building

Bldg. 0459B
Property Number: 21200120106
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Status: Unutilized
Comments: 225 sq. ft., poor condition, most recent use—equipment bldg., off-site use only

Bldg. 00785
Property Number: 21200120107
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Status: Unutilized
Comments: 160 sq. ft., poor condition, most recent use—shelter, off-site use only

Bldg. E5239
Property Number: 21200120113
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Status: Unutilized
Comments: 230 sq. ft., most recent use—storage, off-site use only

Bldg. E5317
Property Number: 21200120114
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Status: Unutilized
Comments: 3158 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only

Bldg. E5637
Property Number: 21200120115
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Status: Unutilized
Comments: 312 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only

Bldg. 219
Property Number: 21200140078
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755
Status: Unutilized
Comments: 8142 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 294
Property Number: 21200140081
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755
Status: Unutilized
Comments: 3148 sq. ft., presence of asbestos/lead paint, most recent use—entomology facility, offsite use only

Bldg. 1007
Property Number: 21200140085
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755
Status: Unutilized
Comments: 3108 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2214
Property Number: 21200230054
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755
Status: Unutilized
Comments: 7740 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—storage, offsite use only

Bldg. 00375
Property Number: 21200320107
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 64 sq. ft., most recent use—storage, off-site use only

Bldg. 0385A
Property Number: 21200320110
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 944 sq. ft., off-site use only

Bldg. 00523
Property Number: 21200320113
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 3897 sq. ft., most recent use—paint shop, off-site use only

Bldg. 0700B
Property Number: 21200320121
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 505 sq. ft., off-site use only

Bldg. 01113
Property Number: 21200320128
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1012 sq. ft., off-site use only

Bldgs. 01124, 01132
Property Number: 21200320129
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 740/2448 sq. ft., most recent use—lab, off-site use only

Bldg. 03558
Property Number: 21200320133
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 18,000 sq. ft., most recent use—storage, off-site use only

Bldg. 05262
Property Number: 21200320136
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 864 sq. ft., most recent use—storage, off-site use only

Bldg. 05608
Property Number: 21200320137
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1100 sq. ft., most recent use—maint bldg., off-site use only

Bldg. E5645
Property Number: 21200320150
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 548 sq. ft., most recent use—storage, off-site use only

Bldg. 00435
Property Number: 21200330111
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1191 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 0449A
Property Number: 21200330112
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 143 sq. ft., needs rehab, most recent use—substation switch bldg., off-site use only

Bldg. 0460
Property Number: 21200330114
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1800 sq. ft., needs rehab, most recent use—electrical EQ bldg., off-site use only

Bldg. 00914
Property Number: 21200330118
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: needs rehab, most recent use—safety shelter, off-site use only

Bldg. 00915
Property Number: 21200330119
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 247 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 01189
Property Number: 21200330126
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 800 sq. ft., needs rehab, most recent use—range bldg., off-site use only

Bldg. E1413
Property Number: 21200330127
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: needs rehab, most recent use—observation tower, off-site use only

Bldg. E3175
Property Number: 21200330134
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1296 sq. ft., needs rehab, most recent use—hazard bldg., off-site use only

4 Bldgs.
Property Number: 21200330135
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005

Location: E3224, E3228, E3230, E3232, E3234
Status: Unutilized
Comments: sq. ft. varies, needs rehab, most recent use—lab test bldgs., off-site use only

Bldg. E3241
Property Number: 21200330136
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 592 sq. ft., needs rehab, most recent use—medical res bldg., off-site use only

Bldg. E3300
Property Number: 21200330139
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 44,352 sq. ft., needs rehab, most recent use—chemistry lab, off-site use only

Bldg. E3335
Property Number: 21200330144
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 400 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldgs. E3360, E3362, E3464
Property Number: 21200330145
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 3588/236 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E3542
Property Number: 21200330148
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1146 sq. ft., needs rehab, most recent use—lab test bldg., off-site use only

Bldg. E4420
Property Number: 21200330151
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 14,997 sq. ft., needs rehab, most recent use—police bldg., off-site use only

4 Bldgs.
Property Number: 21200330154
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Location: E5005, E5049, E5050, E5051
Status: Unutilized
Comments: sq. ft. varies, needs rehab, most recent use—storage, off-site use only

Bldg. E5068
Property Number: 21200330155
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1200 sq. ft., needs rehab, most recent use—fire station, off-site use only

Bldgs. 05448, 05449
Property Number: 21200330161
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 6431 sq. ft., needs rehab, most recent use—enlisted UHP, off-site use only

Bldg. 05450
Property Number: 21200330162
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 2730 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldgs. 05451, 05455
Property Number: 21200330163
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 2730/6431 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 05453
Property Number: 21200330164
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 6431 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. E5609
Property Number: 21200330167
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 2053 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E5611
Property Number: 21200330168
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 11,242 sq. ft., needs rehab, most recent use—hazard bldg., off-site use only

Bldg. E5634
Property Number: 21200330169
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 200 sq. ft., needs rehab, most recent use—flammable storage, off-site use only

Bldg. E5654
Property Number: 21200330171
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 21,532 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E5942
Property Number: 21200330176
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 2147 sq. ft., needs rehab, most recent use—igloo storage, off-site use only

Bldgs. E5952, E5953
Property Number: 21200330177
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 100/24 sq. ft., needs rehab, most recent use—compressed air bldg., off-site use only

Bldgs. E7401, E7402
Property Number: 21200330178
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 256/440 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E7407, E7408
Property Number: 21200330179
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1078/762 sq. ft., needs rehab, most recent use—decon facility, off-site use only

Bldg. 3070A
Property Number: 21200420055
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 2299 sq. ft., most recent use—heat plant, off-site use only

Bldg. E5026
Property Number: 21200420056
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 20,536 sq. ft., most recent use—storage, off-site use only

Bldg. 05261
Property Number: 21200420057
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 10067 sq. ft., most recent use—maintenance, off-site use only

Bldg. E5876
Property Number: 21200440073
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1192 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 00688
Property Number: 21200530080
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 24,192 sq. ft., most recent use—ammo, off-site use only

Bldg. 04925
Property Number: 21200540091
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005
Status: Unutilized
Comments: 1326 sq. ft., off-site use only

Bldg. 00255
Property Number: 21200720052
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 64 sq. ft., most recent use—storage, off-site use only

Bldg. 00638
Property Number: 21200720053
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 4295 sq. ft., most recent use—storage, off-site use only

Bldg. 00721
Property Number: 21200720054
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 135 sq. ft., most recent use—storage, off-site use only

Bldgs. 00936, 00937
Property Number: 21200720055
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 2000 sq. ft., most recent use—storage, off-site use only

Bldgs. E1410, E1434
Property Number: 21200720056
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized

Comments: 2276/3106 sq. ft., most recent use—laboratory, off-site use only

Bldg. 03240
Property Number: 21200720057
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 10,049 sq. ft., most recent use—office, off-site use only

Bldg. E3834
Property Number: 21200720058
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 72 sq. ft., most recent use—office, off-site use only

Bldgs. E4465, E4470, E4480
Property Number: 21200720059
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 17658/16876/17655 sq. ft., most recent use—office, off-site use only

Bldgs. E5137, 05219
Property Number: 21200720060
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 3700/8175 sq. ft., most recent use—office, off-site use only

Bldg. E5236
Property Number: 21200720061
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 10,325 sq. ft., most recent use—storage, off-site use only

Bldg. E5282
Property Number: 21200720062
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 4820 sq. ft., most recent use—hazard bldg., off-site use only

Bldgs. E5736, E5846, E5926
Property Number: 21200720063
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 1069/4171/11279 sq. ft., most recent use—storage, off-site use only

Bldg. E6890
Property Number: 21200720064
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 1 sq. ft., most recent use—impact area, off-site use only

Bldg. 00310
Property Number: 21200820077
Aberdeen Proving Ground
Harford MD 21005
Status: Unutilized
Comments: 56516 sq. ft., most recent use—admin., off-site use only

Bldg. 00315
Property Number: 21200820078
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 74396 sq. ft., most recent use—mach shop, off-site use only

Bldg. 00338
Property Number: 21200820079
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 45443 sq. ft., most recent use—gnd tran eqp, off-site use only

Bldg. 00360
Property Number: 21200820080
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 15287 sq. ft., most recent use—general inst., off-site use only

Bldg. 00445
Property Number: 21200820081
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 6367 sq. ft., most recent use—lab, off-site use only

Bldg. 00851
Property Number: 21200820082
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 694 sq. ft., most recent use—range bldg., off-site use only

E1043
Property Number: 21200820083
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 5200 sq. ft., most recent use—lab, off-site use only

Bldg. 01089
Property Number: 21200820084
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 12369 sq. ft., most recent use—veh maint, off-site use only

Bldg. 01091
Property Number: 21200820085
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 2201 sq. ft., most recent use—storage, off-site use only

Bldg. E1386
Property Number: 21200820086
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 251 sq. ft., most recent use—eng/mnt, off-site use only

5 Bldgs.
Property Number: 21200820087
Aberdeen Proving Ground
Harford MD
Location: E1440, E1441, E1443, E1445, E1455
Status: Unutilized
Comments: 112 sq. ft., most recent use—safety shelter, off-site use only

Bldgs. E1467, E1485
Property Number: 21200820088
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 160/800 sq. ft., most recent use—storage, off-site use only

Bldg. E1521
Property Number: 21200820090
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 1200 sq. ft., most recent use—overhead protection, off-site use only

Bldg. E1570
Property Number: 21200820091
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 47027 sq. ft., most recent use—office, off-site use only

Bldg. E1572
Property Number: 21200820092
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 1402 sq. ft., most recent use—maint., off-site use only

4 Bldgs.
Property Number: 21200820093
Aberdeen Proving Ground
Harford MD
Location: E1645, E1675, E1677, E1930
Status: Unutilized
Comments: Various sq. ft., most recent use—office, off-site use only

Bldgs. E2160, E2184, E2196
Property Number: 21200820094
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 12440/13816 sq. ft., most recent use—storage, off-site use only

Bldg. E2174
Property Number: 21200820095
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 132 sq. ft., off-site use only

Bldgs. 02208, 02209
Property Number: 21200820096
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 11566/18085 sq. ft., most recent use—lodging, off-site use only

Bldg. 02353
Property Number: 21200820097
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 19252 sq. ft., most recent use—veh maint, off-site use only

Bldgs. 02482, 02484
Property Number: 21200820098
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 8359 sq. ft., most recent use—gen purp, off-site use only

Bldg. 02483
Property Number: 21200820099
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 1360 sq. ft., most recent use—heat plt, off-site use only

Bldgs. 02504, 02505
Property Number: 21200820100
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 11720/17434 sq. ft., most recent use—lodging, off-site use only

Bldgs. 02831, E3488
Property Number: 21200820101

Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 576/64 sq. ft., most recent use—access cnt fac, off-site use only

Bldg. 2831A
Property Number: 21200820102
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 1200 sq. ft., most recent use—overhead protection, off-site use only

Bldg. 03320
Property Number: 21200820103
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 10600 sq. ft., most recent use—admin, off-site use only

Bldg. E3466
Property Number: 21200820104
Aberdeen Proving Ground
Aberdeen MD
Status: Unutilized
Comments: 236 sq. ft., most recent use—protective barrier, off-site use only

4 Bldgs.
Property Number: 21200820105
Aberdeen Proving Ground
Harford MD
Location: E3510, E3570, E3640, E3832
Status: Unutilized
Comments: Various sq. ft., most recent use—lab, off-site use only

Bldg. E3544
Property Number: 21200820106
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 5400 sq. ft., most recent use—ind waste, off-site use only

Bldgs. E3561, 03751
Property Number: 21200820107
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 64/189 sq. ft., most recent use—access cnt fac, off-site use only

Bldg. 03754
Property Number: 21200820108
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 324 sq. ft., most recent use—classroom, off-site use only

Bldg. 3823A
Property Number: 21200820109
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 113 sq. ft., most recent use—shed, off-site use only

Bldg. E3948
Property Number: 21200820110
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 3420 sq. ft., most recent use—emp chg fac, off-site use only

4 Bldgs.
Property Number: 21200820111
Aberdeen Proving Ground
Harford MD
Location: E5057, E5058, E5246, 05258
Status: Unutilized
Comments: Various sq. ft., most recent use—storage, off-site use only

Bldgs. E5106, 05256
Property Number: 21200820112
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 18621/8720 sq. ft., most recent use—office, off-site use only

Bldg. E5126
Property Number: 21200820113
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 17664 sq. ft., most recent use—heat plt, off-site use only

Bldg. E5128
Property Number: 21200820114
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 3750 sq. ft., most recent use—substation, off-site use only

Bldg. E5188
Property Number: 21200820115
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 22790 sq. ft., most recent use—lab, off-site use only

Bldg. E5179
Property Number: 21200820116
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 47335 sq. ft., most recent use—info sys, off-site use only

Bldg. E5190
Property Number: 21200820117
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 874 sq. ft., most recent use—storage, off-site use only

Bldg. 05223
Property Number: 21200820118
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 6854 sq. ft., most recent use—gen rep inst, off-site use only

Bldgs. 05259, 05260
Property Number: 21200820119
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 10067 sq. ft., most recent use—maint, off-site use only

Bldgs. 05263, 05264
Property Number: 21200820120
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 200 sq. ft., most recent use—org space, off-site use only

5 Bldgs.
Property Number: 21200820121
Aberdeen Proving Ground
Harford MD
Location: 05267, E5294, E5327, E5441, E5485
Status: Unutilized
Comments: Various sq. ft., most recent use—storage, off-site use only

Bldg. E5292
Property Number: 21200820122
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 1166 sq. ft., most recent use—comp rep inst, off-site use only

Bldg. E5380
Property Number: 21200820123
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 9176 sq. ft., most recent use—lab, off-site use only

Bldg. E5452
Property Number: 21200820124
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 9623 sq. ft., off-site use only

Bldg. 05654
Property Number: 21200820125
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 38 sq. ft. most recent use—shed, off-site use only

Bldg. 05656
Property Number: 21200820126
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 2240 sq. ft., most recent use—overhead protection off-site use only

5 Bldgs.
Property Number: 21200820127
Aberdeen Proving Ground
Harford MD
Location: E5730, E5738, E5915, E5928, E6875
Status: Unutilized
Comments: Various sq. ft., most recent use—storage, off-site use only

Bldg. E5770
Property Number: 21200820128
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 174 sq. ft., most recent use—cent wash, off-site use only

Bldg. E5840
Property Number: 21200820129
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 14200 sq. ft., most recent use—lab, off-site use only

Bldg. E5946
Property Number: 21200820130
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 2147 sq. ft., most recent use—igloo str, off-site use only

Bldg. E6872
Property Number: 21200820131
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 1380 sq. ft., most recent use—dispatch, off-site use only

Bldgs. E7331, E7332, E7333
Property Number: 21200820132
Aberdeen Proving Ground
Harford MD

Status: Unutilized
Comments: Most recent use—protective barrier, off-site use only

Bldg. E7821
Property Number: 21200820133
Aberdeen Proving Ground
Harford MD
Status: Unutilized
Comments: 3500 sq. ft., Most recent use—xmitter bldg, off-site use only

Land

2 acres
Property Number: 21200640095
Fort Meade
Odenton Rd/Rt 175
Ft. Meade MD 20755
Status: Unutilized
Comments: Light industrial

16 acres
Property Number: 21200640096
Fort Meade
Rt 198/Airport Road
Ft. Meade MD 20755
Status: Unutilized
Comments: Light industrial

Missouri

Building

Bldg. T1497
Property Number: 21199420441
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Status: Underutilized
Comments: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2139
Property Number: 21199420446
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Status: Underutilized
Comments: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2385
Property Number: 21199510115
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473
Status: Excess
Comments: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. 2167
Property Number: 21199820179
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Status: Unutilized
Comments: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 2192, 2196, 2198
Property Number: 21199820183
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Status: Unutilized
Comments: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

12 Bldgs
Property Number: 21200410110
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Location: 07036, 07050, 07054, 07102, 07400, 07401, 08245, 08249, 08251, 08255, 08257, 08261.
Status: Unutilized
Comments: 7152 sq. ft. 6 plex housing quarters, potential contaminants, off-site use only.

6 Bldgs
Property Number: 21200410111
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Location: 07044, 07106, 07107, 08260, 08281, 08300
Status: Unutilized
Comments: 9520 sq ft., 8 plex housing quarters, potential contaminants, off-site use only.

15 Bldgs
Property Number: 21200410112
Fort Leaonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Location: 08242, 08243, 08246–08248, 08250, 08252–08254, 08256, 08258–08259, 08262–08263, 08265
Status: Unutilized
Comments: 4784 sq ft., 4 plex housing quarters, potential contaminants, off-site use only.

Bldgs 08283, 08285
Property Number: 21200410113
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 2240 sq ft, 2 plex housing quarters, potential contaminants, off-site use only

15 Bldgs
Property Number: 21200410114
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–0827
Location: 08267, 08269, 08271, 08273, 08275, 08277, 08279, 08290 08296, 08301
Status: Unutilized
Comments: 4784 sq ft., 4 plex housing quarters, potential contaminants, off-site use only

Bldg 09432
Property Number: 21200410115
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 8724 sq ft., 6-plex housing quarters, potential contaminants, off-site use only

Bldgs. 5006 and 5013
Property Number: 21200430064
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 192 sq. ft., needs repair, most recent use—generator bldg., off-site use only

Bldgs. 13210, 13710
Property Number: 21200430065
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 144 sq. ft. each, needs repair, most recent use—communication, off-site use only

Montana

Building

Bldg. 00405
Property Number: 21200130099
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636
Status: Unutilized
Comments: 3467 sq. ft., most recent use—storage, security limitations

Bldg. T0066
Property Number: 21200130100
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636
Status: Unutilized
Comments: 528 sq. ft., needs rehab, presence of asbestos, security limitations

Bldg. 00001
Property Number: 21200540093
Sheridan Hall USARC
Helena MT 59601
Status: Unutilized
Comments: 19,321 sq. ft., most recent use—Reserve Center

Bldg. 00003
Property Number: 21200540094
Sheridan Hall USARC
Helena MT 59601
Status: Unutilized
Comments: 1950 sq. ft., most recent use—maintenance/storage

New Jersey

Building

Bldg. 732
Property Number: 21199740315
Armament R Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Status: Unutilized
Comments: 9077 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 816C
Property Number: 21200130103
Armament R, D, Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Status: Unutilized
Comments: 144 sq. ft., most recent use—storage, off-site use only

New Mexico

Building

Bldg. 34198
Property Number: 21200230062
White Sands Missile Range
Dona Ana NM 88002
Status: Excess
Comments: 107 sq. ft., most recent use—security, off-site use only

New York

Building

Bldg. 1227
Property Number: 21200440074
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Status: Unutilized
Comments: 3800 sq. ft., needs repair, possible asbestos/lead paint, most recent use—maintenance, off-site use only

Bldg. 2218
Property Number: 21200510067
Stewart Newburg USARC
New Windsor Co: Orange NY 12553–9000
Status: Unutilized
Comments: 32,000 sq. ft., poor condition, requires major repairs, most recent use—storage/services

7 Bldgs.
Property Number: 21200510068
Stewart Newburg USARC
New Windsor Co: Orange NY 12553–9000
Location: 2122, 2124, 2126, 2128, 2106, 2108, 2104
Status: Unutilized
Comments: Sq. ft. varies, poor condition, needs major repairs, most recent use—storage/services

Ohio

Land

Property Number: 21200340094
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Status: Excess
Comments: 11 acres, railroad access

Oklahoma

Building

Bldg. T–838, Fort Sill
Property Number: 21199220609
838 Macomb Road
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable).

Bldg. T–954, Fort Sill
Property Number: 21199240659
954 Quinette Road
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop.

Bldg. T–3325, Fort Sill
Property Number: 21199240681
3325 Naylor Road
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—warehouse.

Bldg. T–4226
Property Number: 21199440384
Fort Sill
Lawton Co: Comanche OK 73503
Status: Unutilized
Comments: 114 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only

Bldg. P–1015, Fort Sill
Property Number: 21199520197
Lawton Co: Comanche OK 73501–5100
Status: Unutilized
Comments: 15402 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. P–366, Fort Sill
Property Number: 21199610740
Lawton Co: Comanche OK 73503
Status: Unutilized
Comments: 482 sq. ft., possible asbestos, most recent use—storage, off-site use only

Building T–2952
Property Number: 21199710047
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 4,327 sq. ft., possible asbestos and leadpaint, most recent use—motor repair shop, off-site use only

Building P–5042
Property Number: 21199710066
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 119 sq. ft., possible asbestos and leadpaint, most recent use—heatplant, off-site use only

4 Buildings
Property Number: 21199710086
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: T–6465, T–6466, T–6467, T–6468
Status: Unutilized
Comments: Various sq. ft., possible asbestos and leadpaint, most recent use—range support, off-site use only

Bldg. T–810
Property Number: 21199730350
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 7205 sq. ft., possible asbestos/lead paint, most recent use—hay storage, off-site use only

Bldgs. T–837, T–839
Property Number: 21199730351
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: Approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–934
Property Number: 21199730353
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 402 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–1468, T–1469
Property Number: 21199730357
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 114 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1470
Property Number: 21199730358
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 3120 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–1954, T–2022
Property Number: 21199730362
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: Approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, offsite use only

Bldg. T–2184
Property Number: 21199730364
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 454 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2186, T–2188, T–2189 Property Number: 21199730366
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1656—3583 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only

Bldg. T–2187
Property Number: 21199730367
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1673 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2291 thru T–2296
Property Number: 21199730372
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 400 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–3001, T–3006
Property Number: 21199730383
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: Approx. 9300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–3314
Property Number: 21199730385
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 229 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–5041
Property Number: 21199730409
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 763 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–5420
Property Number: 21199730414
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 189 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only

Bldg. T–7775
Property Number: 21199730419
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1452 sq. ft., possible asbestos/lead paint, most recent use—private club, off-site use only

4 Bldgs.
Property Number: 21199910133
Fort Sill
P–617, P–1114, P–1386, P–1608

Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only

Bldg. P–746
Property Number: 21199910135
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 6299 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. P–2581, P–2773
Property Number: 21199910140
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 4093 and 4129 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–2582
Property Number: 21199910141
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 3672 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. P–2914
Property Number: 21199910146
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1236 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–5101
Property Number: 21199910153
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 82 sq. ft., possible asbestos/lead paint, most recent use—gas station, off-site use only

Bldg. S–6430
Property Number: 21199910156
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 2080 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Bldg. T–6461
Property Number: 21199910157
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 200 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Bldg. T–6462
Property Number: 21199910158
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 64 sq. ft., possible asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. P–7230
Property Number: 21199910159
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 160 sq. ft., possible asbestos/lead paint, most recent use—transmitter bldg., off-site use only

Bldg. S–4023
Property Number: 21200010128
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1200 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–747
Property Number: 21200120120
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 9232 sq. ft., possible asbestos/lead paint, most recent use—lab, off-site use only

Bldg. P–842
Property Number: 21200120123
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 192 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–911
Property Number: 21200120124
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 3080 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–1672
Property Number: 21200120126
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1056 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. S–2362
Property Number: 21200120127
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 64 sq. ft., possible asbestos/lead paint, most recent use—gatehouse, off-site use only

Bldg. P–2589
Property Number: 21200120129
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 3672 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. 01276, 01278
Property Number: 21200520119
Fort Sill
Lawton Co: Comanche OK 73501–5100
Status: Unutilized
Comments: 1533 sq. ft., most recent use—maintenance, off-site use only Page: 67

Bldgs. 00937, 00957
Property Number: 21200710104
Fort Sill
Lawton OK 73501
Status: Unutilized
Comments: 1558 sq. ft., most recent use—storage shed, off-site use only

Bldg.01514
Property Number: 21200710105
Fort Sill
Lawton OK 73501
Status: Unutilized
Comments: 1602 sq. ft., most recent use—storage, off-site use only

Bldg. 05685
Property Number: 21200820152
Fort Sill
Lawton OK 73501
Status: Unutilized
Comments: 24,072 sq. ft., concrete block/w brick, off-site use only

Bldg. 02943
Property Number: 21200830004
Fort Sill
Lawton OK 73501
Status: Unutilized
Comments: 4054 sq. ft., most recent use—admin., off-site use only

Bldgs. 02903, 02941
Property Number: 21200840069
Fort Sill
Lawton OK 73501
Status: Unutilized
Comments: 1236 sq. ft. each, most recent use—admin., off-site use only

South Carolina

Land

One Acre
Property Number: 21200110089
Fort Jackson
Columbia Co: Richland SC 29207
Status: Underutilized
Comments: Approx. 1 acre

South Dakota

Building

Bldg. 03001
Property Number: 21200740187
Jonas H. Lien AFRC
Sioux Falls SD 57104
Status: Unutilized
Comments: 33282 sq. ft., most recent use—training center

Bldg. 03003
Property Number: 21200740188
Jonas H. Lien AFRC
Sioux Falls SD 57104
Status: Unutilized
Comments: 4675 sq. ft., most recent use—vehicle maint. shop

Texas

Building

Bldg. 7137, Fort Bliss
Property Number: 21199640564
El Paso Co: El Paso TX 79916
Status: Unutilized
Comments: 35,736 sq. ft., 3-story, most recent use—housing, off-site use only

Bldg. 92043
Property Number: 21200020206
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 450 sq. ft., most recent use—storage, off-site use only

Bldg. 92044
Property Number: 21200020207
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized

Comments: 1920 sq. ft., most recent use—admin., off-site use only

Bldg. 92045
Property Number: 21200020208
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 2108 sq. ft., most recent use—maint., off-site use only

Bldg. 56305
Property Number: 21200220143
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 2160 sq. ft., most recent use—admin., off-site use only

Bldgs. 56620, 56621
Property Number: 21200220146
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 1120 sq. ft., most recent use—shower, off-site use only

Bldgs. 56626, 56627
Property Number: 21200220147
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 1120 sq. ft., most recent use—shower, off-site use only

Bldg. 56628
Property Number: 21200220148
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 1133 sq. ft., most recent use—shower, off-site use only

Bldgs. 56636, 56637
Property Number: 21200220150
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 1120 sq. ft., most recent use—shower, off-site use only

Bldg. 56638
Property Number: 21200220151
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 1133 sq. ft., most recent use—shower, off-site use only

Bldgs. 56703, 56708
Property Number: 21200220152
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 1306 sq. ft., most recent use—shower, off-site use only

Bldg. 56758
Property Number: 21200220154
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 1133 sq. ft., most recent use—shower, off-site use only

Bldgs. P6220, P6222
Property Number: 21200330197
Fort Sam Houston
Camp Bullis
San Antonio Co: Bexar TX
Status: Unutilized
Comments: 384 sq. ft., most recent use—carport/storage, off-site use only

Bldgs. P6224, P6226
Property Number: 21200330198
Fort Sam Houston
Camp Bullis
San Antonio Co: Bexar TX
Status: Unutilized
Comments: 384 sq. ft., most recent use—carport/storage, off-site use only

Bldg. 92039
Property Number: 21200640101
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Excess
Comments: 80 sq. ft., most recent use—storage, off-site use only

Bldgs. 04281, 04283
Property Number: 21200720085
Fort Hood
Bell TX 76544
Status: Excess
Comments: 4000/8020 sq. ft., most recent use—storage shed, off-site use only

Bldg. 04284
Property Number: 21200720086
Fort Hood
Bell TX 76544
Status: Excess
Comments: 800 sq. ft., presence of asbestos, most recent use—storage shed, off-site use only

Bldg. 04285
Property Number: 21200720087
Fort Hood
Bell TX 76544
Status: Excess
Comments: 8000 sq. ft., most recent use—storage shed, off-site use only

Bldg. 04286
Property Number: 21200720088
Fort Hood
Bell TX 76544
Status: Excess
Comments: 36,000 sq. ft., presence of asbestos, most recent use—storage shed, off-site use only

Bldg. 04291
Property Number: 21200720089
Fort Hood
Bell TX 76544
Status: Excess
Comments: 6400 sq. ft., presence of asbestos, most recent use—storage shed, off-site use only

Bldg. 4410
Property Number: 21200720090
Fort Hood
Bell TX 76544
Status: Excess
Comments: 12,956 sq. ft., presence of asbestos, most recent use—simulation center, off-site use only

Bldgs. 10031, 10032, 10033
Property Number: 21200720091
Fort Hood
Bell TX 76544
Status: Excess
Comments: 2578/3383 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldgs. 56524, 56532
Property Number: 21200720092
Fort Hood
Bell TX 76544
Status: Excess
Comments: 600 sq. ft., presence of asbestos, most recent use—dining, off-site use only

Bldg. 56435
Property Number: 21200720093
Fort Hood
Bell TX 76544
Status: Excess
Comments: 3441 sq. ft., presence of asbestos, most recent use—barracks, off-site use only

Bldg. 05708
Property Number: 21200720094
Fort Hood
Bell TX 76544
Status: Excess
Comments: 1344 sq. ft., most recent use—community center, off-site use only

Bldg. 90001
Property Number: 21200720095
Fort Hood
Bell TX 76544
Status: Excess
Comments: 3574 sq. ft., presence of asbestos, most recent use—transmitter bldg., off-site use only

Bldg. 93013
Property Number: 21200720099
Fort Hood
Bell TX 76544
Status: Excess
Comments: 800 sq. ft., most recent use—club, off-site use only

5 Bldgs.
Property Number: 21200740195
Fort Hood
Bell TX 76544
Location: 56541, 56546, 56547, 56548, 56638
Status: Excess
Comments: 1120/1133 sq. ft., presence of asbestos, most recent use—lavatory, off-site use only

4 Bldgs.
Property Number: 21200810048
Fort Hood
Bell TX 76544
Location: 00229, 00230, 00231, 00232
Status: Unutilized
Comments: Various sq. ft., presence of asbestos, most recent use—training aids center, off-site use only

Bldg. 00324
Property Number: 21200810049
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 13,319 sq. ft., most recent use—roller skating rink, off-site use only

Bldgs. 00710, 00739, 00741
Property Number: 21200810050
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: Various sq. ft., presence of asbestos, most recent use—repair shop, off-site use only

5 Bldgs.
Property Number: 21200810051
Fort Hood
Bell TX 76544
Location: 00711, 00712, 02219, 02612, 05780
Status: Unutilized
Comments: Various sq. ft., presence of asbestos, most recent use—storage, off-site use only

Bldg. 00713
Property Number: 21200810052
Fort Hood

Bell TX 76544
Status: Unutilized
Comments: 3200 sq. ft., presence of asbestos, most recent use—hdqts. bldg., off-site use only

Bldgs. 1938, 04229
Property Number: 21200810053
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 2736/9000 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldgs. 02218, 02220
Property Number: 21200810054
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 7289/1456 sq. ft., presence of asbestos, most recent use—museum, off-site use only

Bldg. 0350
Property Number: 21200810055
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 28,290 sq. ft., presence of asbestos, most recent use—veh. maint. shop, off-site use only

Bldg. 04449
Property Number: 21200810056
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 3822 sq. ft., most recent use—police station, off-site use only

Bldg. 91077
Property Number: 21200810057
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 3200 sq. ft., presence of asbestos, most recent use—educational facility, off-site use only

Bldg. 1610
Property Number: 21200810059
Fort Bliss
El Paso TX 79916
Status: Excess
Comments: 11056 sq. ft., concrete/stucco, most recent use—gas station/store, off-site use only

Bldg. 1680
Property Number: 21200810060
Fort Bliss
El Paso TX 79916
Status: Excess
Comments: 3690 sq. ft., concrete/stucco, most recent use—restaurant, off-site use only

12 Bldgs.
Property Number: 21200820153
Fort Hood
Ft. Hood TX 76544
Location: 56522, 56523, 56525, 56533, 56534, 56535, 56539, 56542, 56543, 56544, 56545, 56549
Status: Excess
Comments: 600/607 sq. ft., presence of asbestos, most recent use—dining, off-site use only

10 Bldgs.
Property Number: 21200820154
Fort Hood
Ft. Hood TX 76544
Location: 56622, 56623, 56624, 56625, 56629, 56632, 56633, 56634, 56635, 56639
Status: Excess
Comments: 500/507 sq. ft., presence of asbestos, most recent use—dining, off-site use only

6 Bldgs.
Property Number: 21200840070
Fort Hood
Bell TX 76544
Location: 56412, 57023, 57024, 57025, 57009, 57010
Status: Excess
Comments: Presence of asbestos, most recent use—storage, off-site use only

9 Bldgs.
Property Number: 21200840071
Fort Hood
Bell TX 76544
Location: 56529, 56618, 56702, 56710, 56752, 56753, 56754, 56755, 56759
Status: Excess
Comments: Presence of asbestos, most recent use—dining facility, off-site use only

Bldg. 56703
Property Number: 21200840072
Fort Hood
Bell TX 76544
Status: Excess
Comments: 1306 sq. ft., presence of asbestos, most recent use—shower, off-site use only

Bldg. 57005
Property Number: 21200840073
Fort Hood
Bell TX 76544
Status: Excess
Comments: 500 sq. ft., presence of asbestos, most recent use—water supply/treatment, off-site use only

Land

1 acre
Property Number: 21200440075
Fort Sam Houston
San Antonio Co: Bexar TX 78234
Status: Excess
Comments: 1 acre, grassy area

Utah

Building

Bldg. 00001
Property Number: 21200740196
Borgstrom Hall USARC
Ogden UT 84401
Status: Excess
Comments: 16543 sq. ft., most recent use—training center, off-site use only

Bldg. 00002
Property Number: 21200740197
Borgstrom Hall USARC
Ogden UT 84401
Status: Excess
Comments: 3842 sq. ft., most recent use—vehicle maint. shop, off-site use only

Bldg. 00005
Property Number: 21200740198
Borgstrom Hall USARC
Ogden UT 84401
Status: Excess
Comments: 96 sq. ft., most recent use—storage, off-site use only

Virginia

Building

Bldg. 1559
Property Number: 21200130156
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Comments: 2892 sq. ft., most recent use—storage, off-site use only

Fort Story
Property Number: 21200720065
Ft. Story VA 23459
Status: Unutilized
Comments: 525 sq. ft., most recent use—power plant, off-site use only

Bldg. 00942
Property Number: 21200720066
Fort Story
Ft. Story VA 23459
Status: Unutilized
Comments: 84 sq ft., most recent use—shower, off-site use only

Bldg. 01025
Property Number: 21200720070
Fort Story
Ft. Story VA 23459
Status: Unutilized
Comments: 4800 sq. ft., most recent use—admin., off-site use only

Bldg. 01028
Property Number: 21200720071
Fort Story
Ft. Story VA 23459
Status: Unutilized
Comments: 2398 sq. ft., most recent use—admin., off-site use only

Bldg. 01633
Property Number: 21200720076
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Comments: 240 sq. ft., most recent use—storage, off-site use only

Bldg. 02786
Property Number: 21200720084
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Comments: 1596 sq. ft., most recent use—admin., off-site use only

Bldg. P0838
Property Number: 21200830005
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Comments: 576 sq. ft., most recent use—rec shelter, off-site use only

Washington

Building

Bldg. CO909, Fort Lewis
Property Number: 21199630205
Ft. Lewis Co: Pierce WA 98433–9500
Status: Unutilized
Comments: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1164, Fort Lewis
Property Number: 21199630213
Ft. Lewis Co: Pierce WA 98433–9500
Status: Unutilized
Comments: 230 sq. ft., possible asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 1307, Fort Lewis
Property Number: 21199630216
Ft. Lewis Co: Pierce WA 98433–9500

Status: Unutilized
Comments: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1309, Fort Lewis
Property Number: 21199630217
Ft. Lewis Co: Pierce WA 98433–9500
Status: Unutilized
Comments: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2167, Fort Lewis
Property Number: 21199630218
Ft. Lewis Co: Pierce WA 98433–9500
Status: Unutilized
Comments: 288 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 4078, Fort Lewis
Property Number: 21199630219
Ft. Lewis Co: Pierce WA 98433–9500
Status: Unutilized
Comments: 10200 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 9599, Fort Lewis
Property Number: 21199630220
Ft. Lewis Co: Pierce WA 98433–9500
Status: Unutilized
Comments: 12366 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. A1404, Fort Lewis
Property Number: 21199640570
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 557 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. EO347
Property Number: 21199710156
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 1800 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. B1008, Fort Lewis
Property Number: 21199720216
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 7387 sq. ft., 2-story, needs rehab, possible asbestos/lead paint, most recent use -medical clinic, off-site use only

Bldgs. CO509, CO709, CO720
Property Number: 21199810372
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 1984 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—storage, offsite use only

Bldg. 5162
Property Number: 21199830419
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, offsite use only

Bldg. 5224
Property Number: 21199830433
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—educ. fac., off-site use only

Bldg. U001B
Property Number: 21199920237
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U001C
Property Number: 21199920238
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, offsite use only

10 Bldgs.
Property Number: 21199920239
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Location: U002B, U002C, U005C, U015I, U016E, U019C, U022A, U028B, 0091A, U093C Status: Excess
Comments: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

6 Bldgs.
Fort Lewis
Property Number: 21199920240
Ft. Lewis Co: Pierce WA 98433
Location: U003A, U004B, U006C, U015B, U016B, U019B
Status: Unutilized
Comments: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U004D
Property Number: 21199920241
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, offsite use only

Bldg. U005A
Property Number: 21199920242
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

7 Bldgs.
Property Number: 21199920245
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Location: U014A, U022B, U023A, U043B, U059B, U060A, U101A
Status: Excess
Comments: needs repair, presence of asbestos/lead paint, most recent use—ofc/tower/support, offsite use only

Bldg. U015J
Property Number: 21199920246
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, offsite use only

Bldg. U018B
Property Number: 21199920247
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 121 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldg. U018C
Property Number: 21199920248
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 48 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. U024D
Property Number: 21199920250
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 120 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—ammo bldg., off-site use only

Bldg. U027A
Property Number: 21199920251
Fort Lewis
Ft. Lewis Co: Pierce WA
Status: Excess
Comments: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tire house, off-site use only

Bldg. U031A
Property Number: 21199920253
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 3456 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—line shed, off-site use only

Bldg. U031C
Property Number: 21199920254
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Unutilized
Comments: 32 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. U040D
Property Number: 21199920255
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 800 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldgs. U052C, U052H
Property Number: 21199920256
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldgs. U035A, U035B
Property Number: 21199920257
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 192 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldg. U035C
Property Number: 21199920258
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess

Comments: 242 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldg. U039A
Property Number: 21199920259
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U039B
Property Number: 21199920260
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—grandstand/bleachers, off-site use only

Bldg. U039C
Property Number: 21199920261
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

Bldg. U043A
Property Number: 21199920262
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 132 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldg. U052A
Property Number: 21199920263
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 69 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U052E
Property Number: 21199920264
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. U052G
Property Number: 21199920265
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

3 Bldgs.
Property Number: 21199920266
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Location: U058A, U103A, U018A
Status: Excess
Comments: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U059A
Property Number: 21199920267
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U093B
Property Number: 21199920268
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 680 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

4 Bldgs.
Property Number: 21199920269
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Location: U101B, U101C, U507B, U557A
Status: Excess
Comments: 400 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. U110B
Property Number: 21199920272
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 138 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off -site use only

6 Bldgs.
Property Number: 21199920273
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Location: U111A, U015A, U024E, U052F, U109A, U110A
Status: Excess
Comments: 1000 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support/shelter/mess, off-site use only

Bldg. U112A
Property Number: 21199920274
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldg. U115A
Property Number: 21199920275
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U507A
Property Number: 21199920276
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 400 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

Bldg. C0120
Property Number: 21199920281
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 384 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—scale house, off-site use only

Bldg. 01205
Property Number: 21199920290
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 87 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 01259
Property Number: 21199920291
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 01266
Property Number: 21199920292
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 45 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldg. 1445
Property Number: 21199920294
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—generator bldg., off-site use only

Bldgs. 03091, 03099
Property Number: 21199920296
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: Various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only

Bldg. 4040
Property Number: 21199920298
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 8326 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shed, off-site use only

Bldgs. 4072, 5104
Property Number: 21199920299
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 24/36 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. 4295
Property Number: 21199920300
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 48 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 6191
Property Number: 21199920303
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 3663 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—exchange branch, off-site use only

Bldgs. 08076, 08080
Property Number: 21199920304
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess

Comments: 3660/412 sq .ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. 08093
Property Number: 21199920305
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 289 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—boat storage, off-site use only

Bldg. 8279
Property Number: 21199920306
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 210 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—fuel disp. fac., off-site use only

Bldgs. 8280, 8291
Property Number: 21199920307
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 800/464 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 8956
Property Number: 21199920308
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 9530
Property Number: 21199920309
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only

Bldg. 9574
Property Number: 21199920310
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 6005 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—veh. shop., off-site use only

Bldg. 9596
Property Number: 21199920311
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Status: Excess
Comments: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gas station, off-site use only

COE

California

Building

4 Bldgs.
Property Number: 31200840001
OTH–B Radar Site
Tulelake CA 91634
Status: Unutilized
Comments: Most recent use—communications/vehicle maint., off-site use only

Kentucky

Building

Green River Lock #3
Property Number: 31199010022
Rochester Co: Butler KY 42273
Location: SR 70 west from Morgantown, KY., approximately 7 miles to site.
Status: Unutilized
Comments: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab.

Land

Tract 2625
Property Number: 31199010025
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211
Location: Adjoining the village of Rockcastle.
Status: Excess
Comments: 2.57 acres; rolling and wooded.

Tract 2709–10 and 2710–2
Property Number: 31199010026
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Status: Excess
Comments: 2.00 acres; steep and wooded.

Tract 2708–1 and 2709–1
Property Number: 31199010027
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Status: Excess
Comments: 3.59 acres; rolling and wooded; no utilities.

Tract 2800
Property Number: 31199010028
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Location: 4½ miles in a southeasterly direction from the village of Rockcastle.
Status: Excess
Comments: 5.44 acres; steep and wooded.

Tract 2915
Property Number: 31199010029
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Location: 6½ miles west of Cadiz.
Status: Excess
Comments: 5.76 acres; steep and wooded; no utilities.

Tract 2702
Property Number: 31199010031
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Location: 1 mile in a southerly direction from the village of Rockcastle.
Status: Excess
Comments: 4.90 acres; wooded; no utilities.

Tract 4318
Property Number: 31199010032
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Location: Trigg Co. adjoining the city of Canton, KY. on the waters of Hopson Creek.
Status: Excess
Comments: 8.24 acres; steep and wooded.

Tract 4502
Property Number: 31199010033
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Location: 3½ miles in a southerly direction from Canton, KY.
Status: Excess
Comments: 4.26 acres; steep and wooded.

Tract 4611
Property Number: 31199010034
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Location: 5 miles south of Canton, KY.
Status: Excess
Comments: 10.51 acres; steep and wooded; no utilities.

Tract 4619
Property Number: 31199010035
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Location: 4½ miles south from Canton, KY.
Status: Excess
Comments: 2.02 acres; steep and wooded; no utilities.

Tract 4817
Property Number: 31199010036
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Location: 6½ miles south of Canton, KY.
Status: Excess
Comments: 1.75 acres; wooded.

Tract 1217
Property Number: 31199010042
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Location: On the north side of the Illinois Central Railroad.
Status: Excess
Comments: 5.80 acres; steep and wooded.

Tract 1906
Property Number: 31199010044
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Location: Approximately 4 miles east of Eddyville, KY.
Status: Excess
Comments: 25.86 acres; rolling steep and partially wooded; no utilities.

Tract 1907
Property Number: 31199010045
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038
Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY
Status: Excess
Comments: 8.71 acres; rolling steep and wooded; no utilities.

Tract 2001 #1
Property Number: 31199010046
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Location: Approximately 4½ miles east of Eddyville, KY.
Status: Excess
Comments: 47.42 acres; steep and wooded; no utilities.

Tract 2001 #2
Property Number: 31199010047
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Location: Approximately 4½ miles east of Eddyville, KY.
Status: Excess
Comments: 8.64 acres; steep and wooded; no utilities.

Tract 2005
Property Number: 31199010048
Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42030
Location: Approximately 5½ miles east of Eddyville, KY.
Status: Excess
Comments: 4.62 acres; steep and wooded; no utilities.

Tract 2307
Property Number: 31199010049
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Location: Approximately 7½ miles southeasterly of Eddyville, KY.
Status: Excess
Comments: 11.43 acres; steep; rolling and wooded; no utilities.

Tract 2403
Property Number: 31199010050
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Location: 7 miles southeasterly of Eddyville, KY.
Status: Excess
Comments: 1.56 acres; steep and wooded; no utilities.

Tract 2504
Property Number: 31199010051
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Location: 9 miles southeasterly of Eddyville, KY.
Status: Excess
Comments: 24.46 acres; steep and wooded; no utilities.

Tract 214
Property Number: 31199010052
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Location: South of the Illinois Central Railroad, 1 mile east of the Cumberland River.
Status: Excess
Comments: 5.5 acres; wooded; no utilities.

Tract 215
Property Number: 31199010053
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Location: 5 miles southwest of Kuttawa
Status: Excess
Comments: 1.40 acres; wooded; no utilities.

Tract 241
Property Number: 31199010054
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Status: Excess
Comments: 1.26 acres; steep and wooded; no utilities.

Tracts 306, 311, 315 and 325
Property Number: 31199010055
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Location: 2.5 miles southwest of Kuttawa, KY. on the waters of Cypress Creek.
Status: Excess
Comments: 38.77 acres; steep and wooded; no utilities.

Tracts 2305, 2306, and 2400–1
Property Number: 31199010056
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Location: 6 1/2 miles southeasterly of Eddyville, KY.
Status: Excess
Comments: 97.66 acres; steep rolling and wooded; no utilities.

Tracts 5203 and 5204
Property Number: 31199010058
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212
Location: Village of Linton, KY state highway 1254.
Status: Excess
Comments: 0.93 acres; rolling, partially wooded; no utilities.

Tract 5240
Property Number: 31199010059
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212
Location: 1 mile northwest of Linton, KY.
Status: Excess
Comments: 2.26 acres; steep and wooded; no utilities.

Tract 4628
Property Number: 31199011621
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Location: 4 1/2 miles south from Canton, KY.
Status: Excess
Comments: 3.71 acres; steep and wooded; subject to utility easements.

Tract 4619–B
Property Number: 31199011622
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Location: 4½ miles south from Canton, KY.
Status: Excess
Comments: 1.73 acres; steep and wooded; subject to utility easements.

Tract 2403–B
Property Number: 31199011623
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038
Location: 7 miles southeasterly from Eddyville, KY.
Status: Unutilized
Comments: 0.70 acres, wooded; subject to utility easements.

Tract 241–B
Property Number: 31199011624
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Location: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Status: Excess
Comments: 11.16 acres; steep and wooded; subject to utility easements.

Tracts 212 and 237
Property Number: 31199011625
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Status: Excess
Comments: 2.44 acres; steep and wooded; subject to utility easements.

Tract 215–B
Property Number: 31199011626
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Location: 5 miles southwest of Kuttawa
Status: Excess
Comments: 1.00 acres; wooded; subject to utility easements.

Tract 233
Property Number: 31199011627
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Location: 5 miles southwest of Kuttawa
Status: Excess
Comments: 1.00 acres; wooded; subject to utility easements.

Tract N–819
Property Number: 31199140009
Dale Hollow Lake Project
Illwill Creek, Hwy 90
Hobart Co: Clinton KY 42601
Status: Underutilized
Comments: 91 acres, most recent use—hunting, subject to existing easements

Montana

Building

Bldg. 1
Property Number: 31200040010
Butte Natl Guard
Butte Co: Silverbow MT 59701
Status: Unutilized
Comments: 22799 sq. ft., presence of asbestos, most recent use—cold storage, off-site use only

Bldg. 2
Property Number: 31200040011
Butte Natl Guard
Butte Co: Silverbow MT 59701
Status: Unutilized
Comments: 3292 sq. ft., most recent use—cold storage, off-site use only

Bldg. 3
Property Number: 31200040012
Butte Natl Guard
Butte Co: Silverbow MT 59701
Status: Unutilized
Comments: 964 sq. ft., most recent use—cold storage, off-site use only

Bldg. 4
Property Number: 31200040013
Butte Natl Guard
Butte Co: Silverbow MT 59701
Status: Unutilized
Comments: 72 sq. ft., most recent use—cold storage, off-site use only

Bldg. 5
Property Number: 31200040014
Butte Natl Guard
Butte Co: Silverbow MT 59701
Status: Unutilized
Comments: 1286 sq. ft., most recent use—cold storage, off-site use only

Ohio

Building

Barker Historic House
Property Number: 31199120018
Willow Island Locks and Dam
Newport Co: Washington OH 45768–9801
Location: Located at lock site, downstream of lock and dam structure
Status: Unutilized
Comments: 1600 sq. ft. bldg. with ½ acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only

2 Bldgs.
Property Number: 31200840002
Delaware Lake
Delaware OH 43143
Status: Unutilized
Comments: 936/288 sq. ft., off-site use only

Land

Pine Creek Lake
Property Number: 31199010923

Section 27
(See County) Co: McCurtain OK
Status: Unutilized
Comments: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3.

Pennsylvania

Building

Mahoning Creek Reservoir
Property Number: 31199210008
New Bethlehem Co: Armstrong PA 16242
Status: Unutilized
Comments: 1015 sq. ft., 2 story brick residence, off-site use only

Dwelling
Property Number: 31199620008
Lock 6, Allegheny River, 1260 River Rd.
Freeport Co: Armstrong PA 16229–2023
Status: Unutilized
Comments: 2652 sq. ft., 3-story brick house, in close proximity to Lock and Dam, available for interim use for nonresidential purposes

Dwelling
Property Number: 31199710009
Lock 4, Allegheny River
Natrona Co: Allegheny PA 15065–2609
Status: Unutilized
Comments: 1664 sq. ft., 2-story brick residence, needs repair, off-site use only

Dwelling #1
Property Number: 31199740002
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Status: Excess
Comments: 2030 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Property Number: 31199740003
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Status: Excess
Comments: 3045 sq. ft., most recent use—residential, good condition, off-site use only

Govt Dwelling
Property Number: 31199740005
East Branch Lake
Wilcox Co: Elk PA 15870–9709
Status: Underutilized
Comments: Approx. 5299 sq. ft., 1-story, most recent use—residence, off-site use only

Dwelling #1
Property Number: 31199740006
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Status: Excess
Comments: 1996 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Property Number: 31199740007
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Status: Excess
Comments: 1996 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #1
Property Number: 31199740008
Woodcock Creek Lake
Saegertown Co: Crawford PA 16433–0629
Status: Excess
Comments: 2106 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Property Number: 31199740009
Lock 6, 1260 River Road
Freeport Co: Armstrong PA 16229–2023
Status: Excess
Comments: 2652 sq. ft., most recent use—residential, good condition, off-site use only

Residence A
Property Number: 31200410007
2045 Pohopoco Drive
Lehighton Co: Carbon PA 18235
Status: Unutilized
Comments: 1200 sq. ft., presence of asbestos, off-site use only

Land

Mahoning Creek Lake
Property Number: 31199010018
New Bethlehem Co: Armstrong PA 16242–9603
Location: Route 28 north to Belknap, Road #4
Status: Excess
Comments: 2.58 acres; steep and densely wooded

Tracts 610, 611, 612
Property Number: 31199011001
Shenango River Lake
Sharpsville Co: Mercer PA 16150
Location: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue.
Status: Excess
Comments: 24.09 acres; subject to flowage easement

Tracts L24, L26
Property Number: 31199011011
Crooked Creek Lake
null Co: Armstrong PA 03051
Location: Left bank—55 miles downstream of dam.
Status: Unutilized
Comments: 7.59 acres; potential for utilities.

Portion of Tract L–21A
Property Number: 31199430012
Crooked Creek Lake, LR 03051
Ford City Co: Armstrong PA 16226
Status: Unutilized
Comments: Approximately 1.72 acres of undeveloped land, subject to gas rights

Tennessee

Land

Tract 6827
Property Number: 31199010927
Barkley Lake
Dover Co: Stewart TN 37058
Location: 2½ miles west of Dover, TN.
Status: Excess
Comments: .57 acres; subject to existing easements.

Tracts 6002–2 and 6010
Property Number: 31199010928
Barkley Lake
Dover Co: Stewart TN 37058
Location: 3½ miles south of village of Tabaccoport.
Status: Excess
Comments: 100.86 acres; subject to existing easements.

Tract 11516
Property Number: 31199010929
Barkley Lake
Ashland City Co: Dickson TN 37015
Location: ½ mile downstream from Cheatham Dam
Status: Excess
Comments: 26.25 acres; subject to existing easements.

Tract 2319
Property Number: 31199010930
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130
Location: West of Buckeye Bottom Road
Status: Excess
Comments: 14.48 acres; subject to existing easements.

Tract 2227
Property Number: 31199010931
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130
Location: Old Jefferson Pike
Status: Excess
Comments: 2.27 acres; subject to existing easements.

Tract 2107
Property Number: 31199010932
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130
Location: Across Fall Creek near Fall Creek camping area.
Status: Excess
Comments: 14.85 acres; subject to existing easements.

Tracts 2601,2602,2603,2604
Property Number: 31199010933
Cordell Hull Lake and Dam Project
Doe Row Creek
Gainesboro Co: Jackson TN 38562
Location: TN Highway 56
Status: Unutilized
Comments: 11 acres; subject to existing easements.

Tract 1911
Property Number: 31199010934
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130
Location: East of Lamar Road
Status: Excess
Comments: 6.92 acres; subject to existing easements.

Tract 7206
Property Number: 31199010936
Barkley Lake
Dover Co: Stewart TN 37058
Location: 2½ miles SE of Dover, TN.
Status: Excess
Comments: 10.15 acres; subject to existing easements.

Tracts 8813, 8814
Property Number: 31199010937
Barkley Lake
Cumberland Co: Stewart TN 37050
Location: 1½ miles East of Cumberland City.
Status: Excess
Comments: 96 acres; subject to existing easements.

Tract 8911
Property Number: 31199010938
Barkley Lake
Cumberland City Co: Montgomery TN 37050
Location: 4 miles east of Cumberland City.
Status: Excess
Comments: 7.7 acres; subject to existing easements.

Tract 11503
Property Number: 31199010939
Barkley Lake
Ashland City Co: Cheatham TN 37015
Location: 2 miles downstream from Cheatham Dam.
Status: Excess
Comments: 1.1 acres; subject to existing easements.

Tracts 11523, 11524
Property Number: 31199010940
Barkley Lake
Ashland City Co: Cheatham TN 37015
Location: 2½ miles downstream from Cheatham Dam.
Status: Excess
Comments: 19.5 acres; subject to existing easements.

Tract 6410
Property Number: 31199010941
Barkley Lake
Bumpus Mills Co: Stewart TN 37028
Location: 4½ miles SW. of Bumpus Mills.
Status: Excess
Comments: 17 acres; subject to existing easements.

Tract 9707
Property Number: 31199010943
Barkley Lake
Palmyra Co: Montgomery TN 37142
Location: 3 miles NE of Palmyer, TN. Highway 149
Status: Excess
Comments: 6.6 acres; subject to existing easements.

Tract 6949
Property Number: 31199010944
Barkley Lake
Dover Co: Stewart TN 37058
Location:
1½ miles SE of Dover, TN.
Status: Excess
Comments: 29.67 acres; subject to existing easements.

Tracts 6005 and 6017
Property Number: 31199011173
Barkley Lake
Dover Co: Stewart TN 37058
Location: 3 miles south of Village of Tobaccoport.
Status: Excess
Comments: 5 acres; subject to existing easements.

Tracts K–1191, K–1135
Property Number: 31199130007
Old Hickory Lock and Dam
Hartsville Co: Trousdale TN 37074
Status: Underutilized
Comments: 54 acres, (portion in floodway), most recent use—recreation.

Tract A–102
Property Number: 31199140006
Dale Hollow Lake Project
Canoe Ridge, State Hwy 52
Celina Co: Clay TN 38551
Status: Underutilized
Comments: 351 acres, most recent use—hunting, subject to existing easements.

Tract A–120
Property Number: 31199140007
Dale Hollow Lake Project
Swann Ridge, State Hwy No. 53
Celina Co: Clay TN 38551
Status: Underutilized
Comments: 883 acres, most recent use—hunting, subject to existing easements.

Tract D–185
Property Number: 31199140010
Dale Hollow Lake Project
Ashburn Creek, Hwy No. 53
Livingston Co: Clay TN 38570
Status: Underutilized
Comments: 97 acres, most recent use—hunting, subject to existing easements.

West Virginia

Building

Bldgs. 1, 2
Property Number: 31200840003
Bluestone Lake & Dam
Hinton WV 25951
Status: Unutilized
Comments: 1564/1625 sq. ft., presence of asbestos/lead paint, most recent use—residence, off-site use only.

GSA

California

Building

Boyle Heights SSA Bldg.
Property Number: 54200840010
N. Breed St.
Los Angeles CA 90033
Status: Surplus
Comments: 10,815 sq. ft., requires seismic strengthening to satisfy substantial life-safety criteria; expected lateral loads in structure rather high.
GSA Number: 9–G–CA–1676

Land

Tract 1607
Property Number: 54200840011
Lake Sonoma
Rockpile Rd.
Geyserville CA 85746
Status: Surplus
Comments: approx. 139 acres, northern portion not accessible because of steep slopes, rare manzanita species.
GSA Number: 9–GR–CA–1504

Michigan

Land

Former Elf Comm. Facility
Property Number: 54200840012
3041 County Road
Republic MI 49879
Status: Excess
Comments: 6.69 acres w/transmitter bldg, support bldg., gatehouse, endangered species.
GSA Number: 1–N–MI–0827

Missouri

Building

Federal Bldg/Courthouse
Property Number: 54200840013
339 Broadway St.
Cape Girardeau MO 63701
Status: Excess
Comments: 47,867 sq. ft., possible asbestos/lead paint, needs maintenance & seismic upgrades, 30% occupied—tenants to relocate within 2 yrs
GSA Number: 7–G–MO–0673

Interior

Arizona

Building

Bldg. 149
Property Number: 61200830001
Desert View
Grand Canyon AZ 86023
Status: Excess
Comments: 791 sq. ft., needs rehab, most recent use—residential, off-site use only

Maine

Building

Bldg. 1010
Property Number: 61200830007
Schoodic Ed & Rsh Ctr
Acadia National Park
Hancock ME
Status: Unutilized
Comments: 14200 sq.ft, presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 1046
Property Number: 61200830008
Schoodic Ed & Rsh Ctr
Acadia National Park
Hancock ME
Status: Unutilized
Comments: 178 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. 1172
Property Number: 61200830009
Schoodic Ed & Rsh Ctr
Acadia National Park
Hancock ME
Status: Unutilized
Comments: 1200 sq. ft., presence of asbestos/lead paint, most recent use—shed, off-site use only

Bldg. 1210
Property Number: 61200830011
Schoodic Ed & Rsh Ctr
Acadia National Park
Hancock ME
Status: Unutilized
Comments: 108 sq. ft., most recent use—shed, off-site use only

Bldg. 1213
Property Number: 61200830012
Schoodic Ed & Rsh Ctr
Acadia National Park
Hancock ME
Status: Unutilized
Comments: 544 sq. ft., most recent use—maintenance, off-site use only

Bldgs. 1224, 1232
Property Number: 61200830013
Schoodic Ed & Rsh Ctr
Acadia National Park
Hancock ME
Status: Unutilized
Comments: 543/768 sq. ft., most recent use—storage, off-site use only

Pennsylvania

Building

Fmr Visitor Ctr/Cyclorama Bldg
Property Number: 61200830002
National Military Park
Gettysburg PA 17325
Status: Excess
Comments: needs major rehab, off-site use only

Navy

Washington

Land

6798 sq. ft. land
Property Number: 77200830024
Navy Region Northwest
Bremerton WA
Status: Unutilized
Comments: vacant land

VA

Alabama

Land

VA Medical Center
Property Number: 97199010053
VAMC
Tuskegee Co: Macon AL 36083
Status: Underutilized
Comments: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

California

Land

Land
Property Number: 97199240001
4150 Clement Street
San Francisco Co: San Francisco CA 94121
Status: Underutilized
Comments: 4 acres; landslide area.

Colorado

Building

Bldg. 2
Property Number: 97200430001
VAMC
2121 North Avenue
Grand Junction Co: Mesa CO 81501
Status: Unutilized
Comments: 3298 sq. ft., needs major rehab, presence of asbestos/lead paint

Bldg. 3
Property Number: 97200430002
VAMC
2121 North Avenue
Grand Junction Co: Mesa CO 81501
Status: Unutilized
Comments: 7275 sq. ft., needs major rehab, presence of asbestos/lead paint

Indiana

Building

Bldg. 105, VAMC
Property Number: 97199230006
East 38th Street
Marion Co: Grant IN 46952
Status: Excess
Comments: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places

Bldg. 10
Property Number: 97199810002
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Status: Underutilized
Comments: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 11
Property Number: 97199810003
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Status: Underutilized
Comments: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 18
Property Number: 97199810004
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Status: Underutilized
Comments: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 25
Property Number: 97199810005
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Status: Unutilized
Comments: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 1
Property Number: 97200310001
N. Indiana Health Care System
Marion Co: Grant IN 46952
Status: Unutilized
Comments: 20,287 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward

Bldg. 3
Property Number: 97200310002
N. Indiana Health Care System
Marion Co: Grant IN 46952
Status: Unutilized
Comments: 20,550 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward

Bldg. 4
Property Number: 97200310003
N. Indiana Health Care System
Marion Co: Grant IN 46952
Status: Unutilized
Comments: 20,550 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward

Bldg. 13
Property Number: 97200310004
N. Indiana Health Care System
Marion Co: Grant IN 46952
Status: Unutilized
Comments: 8971 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Bldg. 42
Property Number: 97200310007
N. Indiana Health Care System
Marion Co: Grant IN 46952
Status: Unutilized
Comments: 5025 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Bldg. 60
Property Number: 97200310008
N. Indiana Health Care System
Marion Co: Grant IN 46952
Status: Unutilized
Comments: 18,126 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Bldg. 122
Property Number: 97200310009
N. Indiana Health Care System
Marion Co: Grant IN 46952
Status: Unutilized
Comments: 37,135 sq. ft., needs extensive repairs, presence of asbestos, most recent use—dining hall/kitchen

Iowa

Land

40.66 acres
Property Number: 97199740002
VA Medical Center 1515 West Pleasant St.
Knoxville Co: Marion IA 50138
Status: Unutilized
Comments: golf course, easement requirements

New York

Building

Bldg. 3
Property Number: 97200520001
VA Medical Center
Batavia Co: Genesee NY 14020
Status: Unutilized
Comments: 5840 sq. ft., needs rehab, presence of asbestos, most recent use—offices, eligible for Natl Register of Historic Places

Texas

Land

Land
Property Number: 97199010079
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504
Status: Underutilized
Comments: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.

Wisconsin

Building

Bldg. 8
Property Number: 97199010056
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660
Status: Underutilized
Comments: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Land
VA Medical Center
Property Number: 97199010054
County Highway E
Tomah Co: Monroe WI 54660
Status: Underutilized
Comments: 12.4 acres, serves as buffer between center and private property, no utilities.

Total Suitable and Available For Year 2008 = 786

01/29/2009 TITLE V PROPERTIES REPORTED IN YEAR 2008 WHICH ARE SUITABLE AND UNAVAILABLE

Air Force

South Dakota

Land

Tract 133
Property Number: 18200310004
Ellsworth AFB
Box Elder Co: Pennington SD 57706

Status: Unutilized
Reason: Special Legislation

Tract 67
Property Number: 18200310005
Ellsworth AFB
Box Elder Co: Pennington SD 57706
Status: Unutilized
Reason: mission purpose

Washington

Building

22 Bldgs./Geiger Heights
Property Number: 18200420001
Fairchild AFB
Spokane WA 99224
Status: Unutilized
Reason: mission effort

Bldg. 404/Geiger Heights
Property Number: 18200420002
Fairchild AFB
Spokane WA 99224
Status: Unutilized
Reason: mission effort

11 Bldgs./Geiger Heights
Property Number: 18200420003
Fairchild AFB
Spokane WA 99224
Status: Unutilized
Reason: mission effort

Bldg. 297/Geiger Heights
Property Number: 18200420004
Fairchild AFB
Spokane WA 99224
Status: Unutilized
Reason: mission effort

9 Bldgs./Geiger Heights
Property Number: 18200420005
Fairchild AFB
Spokane WA 99224
Status: Unutilized
Reason: mission effort

22 Bldgs./Geiger Heights
Property Number: 18200420006
Fairchild AFB
Spokane WA 99224
Status: Unutilized
Reason: mission effort

51 Bldgs./Geiger Heights
Property Number: 18200420007
Fairchild AFB
Spokane WA 99224
Status: Unutilized
Reason: mission effort

Bldg. 402/Geiger Heights
Property Number: 18200420008
Fairchild AFB
Spokane WA 99224
Status: Unutilized
Reason: mission effort

5 Bldgs./Geiger Heights
Property Number: 18200420009
Fairchild AFB 222, 224, 271, 295, 260
Spokane WA 99224
Status: Unutilized
Reason: mission effort

5 Bldgs./Geiger Heights
Property Number: 18200420010
Fairchild AFB 102, 183, 118, 136, 113
Spokane WA 99224
Status: Unutilized
Reason: mission effort

Army

Alabama

Building

Bldg. 01433
Property Number: 21200220098
Fort Rucker
Ft. Rucker Co: Dale AL 36362
Status: Excess
Reason: being utilized

Bldg. 30105
Property Number: 21200510052
Fort Rucker
Ft. Rucker Co: Dale AL 36362
Status: Excess
Reason: occupied

Bldg. 40115
Property Number: 21200510053
Fort Rucker
Ft. Rucker Co: Dale AL 36362
Status: Excess
Reason: occupied

Bldg. 25303
Property Number: 21200520074
Fort Rucker
Dale AL 36362
Status: Excess
Reason: occupied

Bldg. 25304
Property Number: 21200520075
Fort Rucker
Dale AL 36362
Status: Excess
Reason: occupied

Arizona

Building

Bldg. 22529
Property Number: 21200520077
Fort Huachuca
Cochise AZ 85613–7010
Status: Excess
Reason: occupied

Bldg. 22541
Property Number: 21200520078
Fort Huachuca
Cochise AZ 85613–7010
Status: Excess
Reason: occupied

Bldg. 30020
Property Number: 21200520079
Fort Huachuca
Cochise AZ 85613–7010
Status: Excess
Reason: occupied

Bldg. 30021
Property Number: 21200520080
Fort Huachuca
Cochise AZ 85613–7010
Status: Excess
Reason: occupied

Bldg. 22040
Property Number: 21200540076
Fort Huachuca
Cochise AZ 85613
Status: Excess
Reason: occupied

Bldg. 22540
Property Number: 21200620067
Fort Huachuca
Cochise AZ 85613–7010
Status: Excess
Reason: occupied

Colorado

Building

Bldg. S6264
Property Number: 21200340084
Fort Carson
Ft. Carson Co: El Paso CO 80913
Status: Unutilized
Reason: occupied

Bldg. S6285
Property Number: 21200420176
Fort Carson
Ft. Carson Co: El Paso CO 80913
Status: Unutilized
Reason: in use

Bldg. S6287
Property Number: 21200420177
Fort Carson
Ft. Carson Co: El Paso CO 80913
Status: Unutilized
Reason: in use

Bldg. 06225
Property Number: 21200520084
Fort Carson
El Paso CO 80913–4001
Status: Unutilized
Reason: occupied

Georgia

Building

Bldg. T201
Property Number: 21200420002
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use

Bldg. T234
Property Number: 21200420008
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use

Bldg. T702
Property Number: 21200420010
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use

Bldg. T703
Property Number: 21200420011
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use

Bldg. T704
Property Number: 21200420012
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use

Bldg. P813
Property Number: 21200420013
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use

Bldgs. S843, S844, S845
Property Number: 21200420014
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use

Bldg. P925
Property Number: 21200420015

Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use

Bldg. P1277
Property Number: 21200420024
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use

Bldg. T1412
Property Number: 21200420025
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use

Bldg. 8658
Property Number: 21200420029
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use

Bldg. 8659
Property Number: 21200420030
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use

Bldgs. 8675, 8676
Property Number: 21200420031
Hunter Army Airfield
Garrison Co: Chatham GA 31409
Status: Excess
Reason: In use

Bldg. 5978
Property Number: 21200420038
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Reason: In use

Bldg. 5993
Property Number: 21200420041
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Reason: In use

Bldg. 5994
Property Number: 21200420042
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Reason: In use

Bldg. 5995
Property Number: 21200420043
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Excess
Reason: In use

Bldg. T01
Property Number: 21200420181
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. T04
Property Number: 21200420182
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. T05
Property Number: 21200420183
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. T06
Property Number: 21200420184
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. T55
Property Number: 21200420187
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. T85
Property Number: 21200420188
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. T131
Property Number: 21200420189
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. T132
Property Number: 21200420190
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. T157
Property Number: 21200420191
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 01002
Property Number: 21200420197
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 01003
Property Number: 21200420198
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19101
Property Number: 21200420215
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19102
Property Number: 21200420216
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. T19111
Property Number: 21200420217
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19112
Property Number: 21200420218
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19113
Property Number: 21200420219
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. T19201
Property Number: 21200420220
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19202
Property Number: 21200420221
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldgs. 19204 thru 19207
Property Number: 21200420222
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldgs. 19208 thru 19211
Property Number: 21200420223
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19212
Property Number: 21200420224
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19213
Property Number: 21200420225
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19214
Property Number: 21200420226
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19215
Property Number: 21200420227
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19216
Property Number: 21200420228
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19217
Property Number: 21200420229
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19218
Property Number: 21200420230
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldgs. 19219, 19220
Property Number: 21200420231

Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19223
Property Number: 21200420232
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19225
Property Number: 21200420233
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19226
Property Number: 21200420234
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. T19228
Property Number: 21200420235
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19229
Property Number: 21200420236
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19232
Property Number: 21200420237
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19233
Property Number: 21200420238
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19236
Property Number: 21200420239
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 19238
Property Number: 21200420240
Fort Stewart
Ft. Stewart Co: Liberty GA 31314
Status: Excess
Reason: In use

Bldg. 01674
Property Number: 21200510056
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Unutilized
Reason: Occupied

Bldg. 01675
Property Number: 21200510057
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Unutilized
Reason: Occupied

Bldg. 01676
Property Number: 21200510058
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Unutilized
Reason: Occupied

Bldg. 01677
Property Number: 21200510059
Fort Benning
Ft. Benning GA 31905
Status: Unutilized
Reason: Occupied

Bldg. 01678
Property Number: 21200510060
Fort Benning
Ft. Benning Co: Chattachoochee GA 31905
Status: Unutilized
Reason: Occupied

Bldg. 00051
Property Number: 21200520087
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied

Bldg. 00052
Property Number: 21200520088
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied

Bldg. 00053
Property Number: 21200520089
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied

Bldg. 00054
Property Number: 21200520090
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied

Bldg. 01243
Property Number: 21200610040
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Status: Excess
Reason: Occupied

Bldg. 01244
Property Number: 21200610041
Hunter Army airfield
Savannah Co: Chatham GA 31409
Status: Excess
Reason: Occupied

Bldg. 01318
Property Number: 21200610042
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Status: Excess
Reason: Occupied

Bldg. 00612
Property Number: 21200610043
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied

Bldg. 00614
Property Number: 21200610044
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied

Bldg. 00618
Property Number: 21200610045
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied

Bldg. 00628
Property Number: 21200610046
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied

Bldg. 01079
Property Number: 21200610047
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied

Bldg. 07901
Property Number: 21200610049
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied

Bldg. 08031
Property Number: 21200610050
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied

Bldg. 08081
Property Number: 21200610052
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied

Bldg. 08252
Property Number: 21200610053
Fort Stewart
Liberty GA 31314
Status: Excess
Reason: Occupied

Kentucky

Building

Bldg. 06894
Property Number: 21200630070
Fort Campbell
Christian KY 42223
Status: Unutilized
Reason: Mission use

Bldg. 06895
Property Number: 21200630071
Fort Campbell
Christian KY 42223
Status: Unutilized
Reason: Mission use

Louisiana

Building

Bldg. T401
Property Number: 21200540084
Fort Polk
Ft. Polk LA 71459
Status: Unutilized
Reason: Occupied

Bldgs. T406, T407, T411
Property Number: 21200540085
Fort Polk
Ft. Polk LA 71459
Status: Unutilized
Reason: Occupied

Bldg. T412
Property Number: 21200540086
Fort Polk
Ft. Polk LA 71459
Status: Unutilized
Reason: Occupied

Bldgs. T414, T421

Property Number: 21200540087
Fort Polk
Ft. Polk LA 71459
Status: Unutilized
Reason: Occupied

Maryland

Building

Bldg. 8608
Property Number: 21200410099
Fort George G. Meade
Ft. Meade MD 20755–5115
Status: Unutilized
Reason: Occupied

Bldg. 8612
Property Number: 21200410101
Fort George G. Meade
Ft. Meade MD 20755–5115
Status: Unutilized
Reason: Occupied

Bldg. 0001A
Property Number: 21200520114
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Bldg. 0001C
Property Number: 21200520115
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Bldgs. 00032, 00H14, 00H24
Property Number: 21200520116
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Bldgs. 00034, 00H016
Property Number: 21200520117
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Bldgs. 00H10, 00H12
Property Number: 21200520118
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Michigan

Building

Bldg. 00001
Property Number: 21200510066
Sheridan Hall USARC
501 Euclid Avenue
Helena Co: Lewis MI 59601–2865
Status: Unutilized
Reason: Federal interest

Missouri

Building

Bldg. 1230
Property Number: 21200340087
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 1621
Property Number: 21200340088
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5760
Property Number: 21200410102
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5762
Property Number: 21200410103
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5763
Property Number: 21200410104
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5765
Property Number: 21200410105
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5760
Property Number: 21200420059
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 5762
Property Number: 21200420060
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 5763
Property Number: 21200420061
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 5765
Property Number: 21200420062
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 00467
Property Number: 21200530085
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743
Status: Unutilized
Reason: Occupied

New York

Building

Bldgs. 1511–1518
Property Number: 21200320160
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Status: Unutilized
Reason: Occupied

Bldgs. 1523–1526
Property Number: 21200320161
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Status: Unutilized
Reason: Occupied

Bldgs. 1704–1705, 1721–1722
Property Number: 21200320162
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Status: Unutilized
Reason: Occupied

Bldg. 1723
Property Number: 21200320163
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Status: Unutilized
Reason: Occupied

Bldgs. 1706–1709
Property Number: 21200320164
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Status: Unutilized
Reason: Occupied

Bldgs. 1731–1735
Property Number: 21200320165
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996
Status: Unutilized
Reason: Occupied

North Carolina

Building

Bldg. N4116
Property Number: 21200240087
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310
Status: Excess
Reason: Mission use

Texas

Building

Bldgs. 4219, 4227
Property Number: 21200220139
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Reason: Admin. use

Bldgs. 4229, 4230, 4231
Property Number: 21200220140
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Reason: Admin. use

Bldgs. 4244, 4246
Property Number: 21200220141
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Reason: Admin. use

Bldgs. 4260, 4261, 4262
Property Number: 21200220142
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Reason: Admin. use

Bldg. 04335

Property Number: 21200440090
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04465
Property Number: 21200440094
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04468
Property Number: 21200440096
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldgs. 04475–04476
Property Number: 21200440098
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04477
Property Number: 21200440099
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 07002
Property Number: 21200440100
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 57001
Property Number: 21200440105
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldgs. 125, 126
Property Number: 21200620075
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 190
Property Number: 21200620076
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 02240
Property Number: 21200620078
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04164
Property Number: 21200620079
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldgs. 04218, 04228
Property Number: 21200620080
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04272
Property Number: 21200620081
Fort Hood
Bell TX 76544
Status: Excess
Reason: Not occupied

Bldg. 04415
Property Number: 21200620083
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

4 Bldgs
Property Number: 21200620084
Fort Hood 04419, 04420, 04421, 04424
Bell TX 76544
Status: Excess
Reason: Occupied

4 Bldgs.
Property Number: 21200620085
Fort Hood 04425, 04426, 04427, 04429
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04430
Property Number: 21200620087
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04434
Property Number: 21200620088
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04439
Property Number: 21200620089
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldgs. 04470, 04471
Property Number: 21200620090
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04493
Property Number: 21200620091
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04494
Property Number: 21200620092
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04632
Property Number: 21200620093
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04640
Property Number: 21200620094
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04645
Property Number: 21200620095
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04906
Property Number: 21200620096
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 20121
Property Number: 21200620097
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 91052
Property Number: 21200620101
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 1345
Property Number: 21200740070
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 1348, 1941
Property Number: 21200740071
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 1919
Property Number: 21200740072
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 1943
Property Number: 21200740073
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 1946
Property Number: 21200740074
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4205
Property Number: 21200740075
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4207
Property Number: 21200740076
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4208
Property Number: 21200740077
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 4210, 4211, 4216
Property Number: 21200740078
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4219A

Property Number: 21200740079
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04252
Property Number: 21200740081
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4255
Property Number: 21200740082
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04480
Property Number: 21200740083
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04485
Property Number: 21200740084
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 04487, 04488
Property Number: 21200740085
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04489
Property Number: 21200740086
Fort Hood
Ft. Hood TX 76544
Status: Excess
Reason: Utilized

Bldgs. 4491, 4492
Property Number: 21200740087
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 04902, 04905
Property Number: 21200740088
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 04914, 04915, 04916
Property Number: 21200740089
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 20102
Property Number: 21200740091
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 20118
Property Number: 21200740092
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 29027
Property Number: 21200740093
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56017
Property Number: 21200740094
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56202
Property Number: 21200740095
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56224
Property Number: 21200740096
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56305
Property Number: 21200740097
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56311
Property Number: 21200740098
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56327
Property Number: 21200740099
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56329
Property Number: 21200740100
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

9 Bldgs.
Property Number: 21200740101
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 92043
Property Number: 21200740102
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 92072
Property Number: 21200740103
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 92083
Property Number: 21200740104
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 04213, 04227
Property Number: 21200740189
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4404
Property Number: 21200740190
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56607
Property Number: 21200740191
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 91041
Property Number: 21200740192
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

5 Bldgs.
Property Number: 21200740193
Fort Hood
93010, 93011, 93012, 93014
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 94031
Property Number: 21200740194
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Virginia

Building

Bldg. T2827
Property Number: 21200320172
Fort Pickett
Blackstone Co: Nottoway VA 23824
Status: Unutilized
Reason: Occupied

Bldg. T2841
Property Number: 21200320173
Fort Pickett
Blackstone Co: Nottoway VA 23824
Status: Unutilized
Reason: Occupied

Bldg. 01014
Property Number: 21200720067
Fort Story
Ft. Story VA 23459
Status: Unutilized
Reason: Occupied

Bldg. 01022
Property Number: 21200720068
Fort Story
Ft. Story VA 23459
Status: Unutilized
Reason: Occupied

4 Bldgs.
Property Number: 21200720069
Fort Story
01023, 01029, 01036, 01038
Ft. Story VA 23459
Status: Unutilized
Reason: Occupied

Bldg. 01063
Property Number: 21200720072
Fort Story
Ft. Story VA 23459
Status: Unutilized
Reason: Occupied

Bldg. 00215

Property Number: 21200720073
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

4 Bldgs.
Property Number: 21200720074
Fort Eustis
01514, 01523, 01528, 01529
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

4 Bldgs.
Property Number: 21200720075
Fort Eustis
01534, 01542, 01549, 01557
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Bldgs. 01707, 01719
Property Number: 21200720077
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Bldg. 01720
Property Number: 21200720078
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Bldgs. 01721, 01725
Property Number: 21200720079
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Bldgs. 01726, 01735, 01736
Property Number: 21200720080
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Bldgs. 01734, 01745, 01747
Property Number: 21200720081
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Bldg. 01741
Property Number: 21200720082
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Bldg. 02720
Property Number: 21200720083
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

Washington

Building

Bldg. 05904
Property Number: 21200240092
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Status: Excess
Reason: Mission use

COE

Illinois

Building

Bldg. 7
Property Number: 31199010001
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 6
Property Number: 31199010002
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 5
Property Number: 31199010003
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 4
Property Number: 31199010004
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 3
Property Number: 31199010005
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 2
Property Number: 31199010006
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 1
Property Number: 31199010007
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability

Land

Lake Shelbyville
Property Number: 31199240004
Shelbyville Co: Shelby IL 62565–9804
Status: Unutilized
Reason: Disposal action initiated

Ohio

Building

Bldg.—Berlin Lake
Property Number: 31199640001
7400 Bedell Road
Berlin Center Co: Mahoning OH 44401–9797
Status: Unutilized
Reason: Utilized as construction office

Pennsylvania

Building

Tract 403A
Property Number: 31199430021
Grays Landing Lock Project
Greensboro Co: Greene PA 15338
Status: Unutilized
Reason: To be transferred to Borough

Tract 403B
Property Number: 31199430022
Grays Landing Lock Project
Greensboro Co: Greene PA 15338
Status: Unutilized
Reason: To be transferred to Borough

Tract 403C
Property Number: 31199430023
Grays Landing Lock Project
Greensboro Co: Greene PA 15338
Status: Unutilized
Reason: To be transferred to Borough

Land

East Branch Clarion River Lake
Property Number: 31199011012
Wilcox Co: Elk PA
Status: Underutilized
Reason: Location near damsite

Dashields Locks and Dam
Property Number: 31199210009
(Glenwillard, PA)
Crescent Twp. Co: Allegheny PA 15046–0475
Status: Unutilized
Reason: Leased to Township

GSA

Arizona

Building

Water Conservation Lab
Property Number: 54200820013
4331 E. Broadway Rd.
Phoenix AZ 85040
Status: Excess
GSA Number: 9–A–AZ–846–1
Reason: Advertised for sale

Land

Parking Lot
Property Number: 54200740007
322 2nd Ave.
Phoenix AZ 85003
Status: Surplus
GSA Number: AZ–6293–1
Reason: Expression of interest

SRP Ditch
Property Number: 54200840001
24th St. & Jones Ave.
Phoenix AZ 85040
Status: Surplus
GSA Number: AZ–0849–AA
Reason: Expression of interest

California

Building

Social Security Building
Property Number: 54200610010
505 North Court Street
Visalia Co: Tulare CA 93291
Status: Surplus
GSA Number: 9–G–CA–1643
Reason: Conveyance pending

Old Customs House
Property Number: 54200710016
12 Heffernan Ave.
Calexico CA 92231
Status: Surplus
GSA Number: 9–G–CA–1658
Reason: Expression of interest

Defense Fuel Support Pt.
Property Number: 54200810001
Estero Bay Facility

Morro Bay CA 93442
Status: Surplus
GSA Number: 9–N–CA–1606
Reason: Sale in progress

Colorado

Land

Outer Marker—2.8 acres
Property Number: 54200830022
Denver OUF
Denver CO
Status: Surplus
GSA Number: 7–U–CO–0674
Reason: Advertised for sale

Outer Marker—0.084 acres
Property Number: 54200830023
Denver JOY
Denver CO
Status: Surplus
GSA Number: 7–U–CO–0675
Reason: Advertised for sale

Outer Marker—0.39 acres
Property Number: 54200830024
Denver FUI
Denver CO
Status: Surplus
GSA Number: 7–U–CO–0673
Reason: Advertised for sale

Outer Marker—0.39 acres
Property Number: 54200830025
Denver DPP
Denver CO
Status: Surplus
GSA Number: 7–U–CO–0676
Reason: Advertised for sale

Indiana

Building

Fed. Bldg./Courthouse
Property Number: 54200710003
507 State Street
Hammond IN 46320
Status: Excess
GSA Number: 1–G–IN–590
Reason: Sale in progress

Radio Tower
Property Number: 54200830020
Cannelton Locks & Dam
Perry IN
Status: Excess
GSA Number: 1–D–IN–569E
Reason: Expression of interest

John A. Bushemi USARC
Property Number: 54200830027
3510 W 15th Ave
Gary IN 46404
Status: Excess
GSA Number: 1–D–IN–0602
Reason: Expression of interest

Maryland

Land

3.54 acres
Property Number: 54200810005
Andrews AFB
Upper Marlboro MD
Status: Surplus
GSA Number: MD(R–11)0598–1
Reason: Expression of interest

Massachusetts

Building

Federal Office Bldg
Property Number: 54200740002
Main & Bridge St.
Springfield MA 01101
Status: Excess
GSA Number: MA–6262–1
Reason: Conveyance pending

Land

FAA Site
Property Number: 54200830026
Massasoit Bridge Rd.
Nantucket MA 02554
Status: Surplus
GSA Number: MA–0895
Reason: Expression of interest

Michigan

Building

Social Security Bldg.
Property Number: 54200720020
929 Stevens Road
Flint MI 48503
Status: Excess
GSA Number: 1–G–MI–822
Reason: Expression of interest

Minnesota

Building

Memorial Army Rsv Ctr
Property Number: 54200620002
1804 3rd Avenue
International Falls Co: Koochiching MN 56649
Status: Excess
GSA Number: 1–D–MN–586
Reason: Written expression of interest

Mississippi

Building

Federal Building
Property Number: 54200740006
200 East Washington St.
Greenwood MS 38930
Status: Underutilized
GSA Number: 4–G–MS–0562
Reason: Sale in progress

Montana

Building

Bldg. 1045
Property Number: 54200830007
Kootenai
Hwy 508
Lincoln MT 59935
Status: Surplus
GSA Number: 7–A–MT–0627
Reason: Advertised for sale

Bldg. 1063
Property Number: 54200830008
Kootenai
Hwy 508
Lincoln MT 59935
Status: Surplus
GSA Number: 7–A–MT–0627
Reason: Advertised for sale

Bldg. 1324
Property Number: 54200830009
Kootenai
Hwy 508
Lincoln MT 59935
Status: Surplus
GSA Number: 7–A–MT–0627
Reason: Advertised for sale

Bldg. 1325
Property Number: 54200830010
Kootenai
Hwy 508
Lincoln MT 59935
Status: Surplus
GSA Number: 7–A–MT–0627
Reason: Advertised for sale

Bldg. 2326
Property Number: 54200830011
Kootenai
Hwy 508
Lincoln MT 59935
Status: Surplus
GSA Number: 7–A–MT–0627
Reason: Advertised for sale

Bldg. 2641
Property Number: 54200830012
Kootenai
Hwy 508
Lincoln MT 59935
Status: Surplus
GSA Number: 7–A–MT–0627
Reason: Advertised for sale

Bldg. 2000
Property Number: 54200830013
Beaverhead MT 59762
Status: Surplus
GSA Number: 7–A–MT–0627
Reason: Advertised for sale

Bldg. 3501
Property Number: 54200830014
Jefferson MT
Status: Surplus
GSA Number: 7–A–MT–0627
Reason: Advertised for sale

Bldg. 2002
Property Number: 54200830015
Flathead
Big Fork MT 59911
Status: Surplus
GSA Number: 7–A–MT–0627
Reason: Advertised for sale

Bldg. 1000
Property Number: 54200830017
Lewis & Clark
Judith Basin MT 59479
Status: Surplus
GSA Number: 7–A–MT–0627
Reason: Advertised for sale

Bldg. 2429
Property Number: 54200830018
Lewis & Clark
Judith Basin MT 59479
Status: Surplus
GSA Number: 7–A–MT–0627
Reason: Advertised for sale

Nebraska

Building

Environmental Chemistry Branch Laboratory
Property Number: 54200810010
420 South 18th St.
Omaha NE 68102
Status: Excess
GSA Number: 7–D–NE–532
Reason: Expression of interest

New Jersey

Building

Camp Petricktown Sup. Facility
Property Number: 54200740005
US Route 130
Pedricktown NJ 08067
Status: Excess
GSA Number: 1–D–NJ–0662

Reason: Expression of interest

New York

Building

Fleet Mgmt. Center
Property Number: 54200620015
5—32nd Street
Brooklyn NY 11232
Status: Surplus
GSA Number: 1–G–NY–0872B
Reason: Conveyance pending

Federal Building
Property Number: 54200820005
Brinkerhoff/Margaret Streets
Plattsburgh NY 12901
Status: Surplus
GSA Number: 1–G–NY–0898–1A
Reason: Expression of interest

Caywood Pt. Mess Hall
Property Number: 54200830001
Maint. Bldg.
State Rt 114
Lodi NY
Status: Surplus
GSA Number: 1–A–NY–0946–1A
Reason: Sale in progress

North Carolina

Building

USCG Station Bldgs.
Property Number: 54200720002
Cape Hatteras
Buxton Co: Dare NC
Status: Excess
GSA Number: 4–U–ND–0747A
Reason: Federal interest

Federal Building
Property Number: 54200840007
241 Sunset Ave.
Asheboro Co: Randolph NC 27203
Status: Excess
GSA Number: 4–G–NC–0746–2AB
Reason: Expression of interest

North Dakota

Building

Residence #1
Property Number: 54200620005
Hwy 30/Canadian Border
St. John Co: Rolette ND 58369
Status: Excess
GSA Number: 7–G–ND–0504
Reason: Advertised for sale

Residence #2
Property Number: 54200620006
Hwy 30/Canadian Border
St. John Co: Rolette ND 58369
Status: Excess
GSA Number: 7–G–ND–0505
Reason: Advertised for sale

Sherwood Garage
Property Number: 54200630002
Hwy 28
Sherwood Co: Renville ND 58782
Status: Surplus
GSA Number: 7–G–ND–0512
Reason: Advertised for sale

Noonan Garage
Property Number: 54200630003
Hwy 40
Noonan Co: Divide ND 58765
Status: Surplus
GSA Number: 7–G–ND–0511
Reason: Advertised for sale

Westhope Garage
Property Number: 54200630004
Hwy 83
Westhope Co: Bottineau ND 58793
Status: Surplus
GSA Number: 7–G–ND–0513
Reason: Advertised for sale

North House
Property Number: 54200720008
10951 County Road
Hannah Co: Cavalier ND 58239
Status: Surplus
GSA Number: 7–X–ND–0515–1A
Reason: Advertised for sale

South House
Property Number: 54200720009
10949 County Road
Hannah Co: Cavalier ND 58239
Status: Surplus
GSA Number: 7–X–ND–0515–1B
Reason: Advertised for sale

North House
Property Number: 54200720010
Highway 40
Noonan Co: Divide ND 58765
Status: Surplus
GSA Number: 7–X–ND–0517–1A
Reason: Advertised for sale

South House
Property Number: 54200720011
Highway 40
Noonan Co: Divide ND 58765
Status: Surplus
GSA Number: 7–X–ND–0517–1B
Reason: Advertised for sale

North House
Property Number: 54200720012
Rt. 1, Box 66
Sarles Co: Cavalier ND 58372
Status: Surplus
GSA Number: 7–X–ND–0516–1B
Reason: Advertised for sale

South House
Property Number: 54200720013
Rt. 1, Box 67
Sarles Co: Cavalier ND 58372
Status: Surplus
GSA Number: 7–X–ND–0516–1A
Reason: Advertised for sale

House #1
Property Number: 54200720014
10925 Hwy 28
Sherwood Co: Renville ND 58782
Status: Surplus
GSA Number: 7–X–ND–0518–1B
Reason: Advertised for sale

House #2
Property Number: 54200720015
10927 Hwy 28
Sherwood Co: Renville ND 58782
Status: Surplus
GSA Number: 7–X–ND–0518–1A
Reason: Advertised for sale

North House
Property Number: 54200720016
10913 Hwy 83
Westhope Co: Bottineau ND 58793
Status: Surplus
GSA Number: 7–X–ND–0519–1B
Reason: Advertised for sale

South House
Property Number: 54200720017
10909 Hwy 83
Westhope Co: Bottineau ND 58793
Status: Surplus
GSA Number: 7–X–ND–0519–1A
Reason: Advertised for sale

Ohio

Building

NIKE Site Cd-46
Property Number: 31200740015
Felicity OH
Status: Excess
GSA Number: 1–D–OH–0832
Reason: Expression of interest

PFC Joe R. Hastings
Property Number: 54200840008
Army Reserve Center
3120 Parkway Dr.
Canton OH 44708
Status: Excess
GSA Number: 1–D–OH–835
Reason: Expression of interest

Oklahoma

Land

Tracts 107, 202
Property Number: 54200710004
Candy Lake Project
Osage OK
Status: Surplus
GSA Number: 7–D–OK–0529–1–F, U
Reason: Expression of interest

Oregon

Building

3 Bldgs/Land
Property Number: 54200840003
OTHR–B Radar
Cty Rd 514
Christmas Valley OR 97641
Status: Excess
GSA Number: 9–D–OR–0768
Reason: Expression of interest

U.S. Customs House
Property Number: 54200840004
220 NW 8th Ave.
Portland OR
Status: Excess
GSA Number: 9–D–OR–0733
Reason: Expression of interest

Land
20 acres
Property Number: 54200820007
Cow Hollow Park
Nyssa OR 97913
Status: Excess
GSA Number: 9–I–OR–769
Reason: Expression of interest

Pennsylvania

Land

Approx. 16.88
Property Number: 54200820011
271 Sterrettania Rd.
Erie PA 16506
Status: Surplus
GSA Number: 4–D–PA–0810
Reason: Advertised for sale

Samoa

Building

6 Housing Units
Property Number: 54200710001
Lima & FA Streets
Tafuna AQ 96799
Status: Surplus

GSA Number: 9–U–AS–002
Reason: Conveyance pending

Unit #25
Property Number: 54200740001
Lima & FA Streets
Tafuna AQ
Status: Surplus
GSA Number: 9–U–AS–002AB
Reason: Conveyance pending

Texas

Building

Bldgs. 5, 6, 7
Property Number: 54200640002
Federal Center
501 West Felix Street
Ft. Worth Co: Tarrant TX 76115
Status: Excess
GSA Number: 7–G–TX–0767–3
Reason: Advertised for sale

Federal Center (Bldg 11A)
Property Number: 54200840005
501 West Felix St.
Fort Worth TX 76115
Status: Excess
GSA Number: 7–G–TX–0767AF
Reason: Advertised for sale

Microwave Antenna Tower Site
Property Number: 54200840009
353 PR 207
Ivanhoe TX 75447
Status: Surplus
GSA Number: 7–D–TX–1104
Reason: Expression of interest

Land

FAA Outer Marker 18 R/L VYN
Property Number: 54200820017
1420 Lakeside Pkwy
Flower Mound TX 75028
Status: Surplus
GSA Number: 7–U–TX–1090
Reason: Expression of interest

FAA Outer Marker 31R RAA
Property Number: 54200820018
1600 Cooper Drive
Irving TX 75061
Status: Surplus
GSA Number: 7–U–TX–1095
Reason: Expression of interest

FAA Outer Marker 35R AJQ
Property Number: 54200820019
300 W. Shady Grove
Grand Prairie TX 75050
Status: Surplus
GSA Number: 7–U–TX–1094
Reason: Expression of interest

FAA Outer Marker 13
Property Number: 54200830002
Southlake TX 76092
Status: Surplus
GSA Number: 7–U–TX–1096
Reason: Expression of interest

FAA Outer Marker 36L
Property Number: 54200830003
Grand Prairie TX 75050
Status: Surplus
GSA Number: 7–U–TX–1101
Reason: Expression of interest

Utah

Building

ILS Middle Marker Annex
Property Number: 54200820004
NE of Hill AFB
Tooele UT 84056
Status: Excess
GSA Number: 7–D–UT–0421–AD
Reason: Advertised for sale

Washington

Building

Blaine Parking Lot
Property Number: 54200830028
SR 543
Blaine WA 98230
Status: Excess
GSA Number: 9–G–WA–1242
Reason: Expression of interest

West Virginia

Building

SSA District Office
Property Number: 54200820009
214 North Kanawha St.
Beckley WV 25801
Status: Surplus
GSA Number: 4–G–WV–0552
Reason: Written expression of interest

Wyoming

Land

Cody Wyoming Property
Property Number: 54200840006
Hwy 20
Park WY
Status: Surplus
GSA Number: 7–I–WY–0547
Reason: Advertised for sale

Navy

Hawaii

Building

Bldg. 2652
Property Number: 77200710039
Navy Aloha Center
Pearl Harbor HI 96860
Status: Underutilized
Reason: In use

Land

6 Parcels
Property Number: 77200840012
Naval Station
Pearl Harbor HI 96818
Status: Unutilized
Reason: In use

North Carolina

Land

6.5 acre parcel
Property Number: 77200840014
Marine Corps Base
Stone Bay Rifle Range
Camp Lejeune NC
Status: Underutilized
Reason: In use

VA

Iowa

Land

38 acres
Property Number: 97199740001
VA Medical Center 1515 West Pleasant St.
Knoxville Co: Marion IA 50138
Status: Unutilized
Reason: Enhanced-Use Legislation potential

Michigan

Land

VA Medical Center
Property Number: 97199010015
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016
Status: Underutilized
Reason: Being used for patient and program activities.

Montana

Building

VA MT Healthcare
Property Number: 97200030001
210 S. Winchester
Miles City Co: Custer MT 59301
Status: Underutilized
Reason: Transfer to Custer County

Ohio

Building

Bldg. 116
Property Number: 97199920002
VA Medical Center
Dayton Co: Montgomery OH 45428
Status: Unutilized
Reason: preexisting agreement

Pennsylvania

Land

VA Medical Center
Property Number: 97199010016
New Castle Road
Butler Co: Butler PA 16001
Status: Underutilized
Reason: Used as natural drainage for facility property.

Land No. 645

Property Number: 97199010080
VA. Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206
Status: Unutilized
Reason: Property is essential to security and safety of patients.

Land—34.16 acres
Property Number: 97199340001
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320
Status: Underutilized
Reason: Needed for mission related functions

Wisconsin

Building

Bldg. 2
Property Number: 97199830002
VA Medical Center
5000 West National Ave.
Milwaukee WI 53295
Status: Underutilized
Reason: Subject of leasing negotiations

Total Suitable and Unavailable for YEAR 2008 = 530

[FR Doc. E9–3109 Filed 2–19–09; 8:45 am]

BILLING CODE 4210–67–P

Reader Aids

Federal Register

Vol. 74, No. 33

Friday, February 20, 2009

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **http://www.gpoaccess.gov/nara/index.html**

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: **http://www.archives.gov/federal__register**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

Reminders. Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at **http://www.regulations.gov.**

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, FEBRUARY

5797–5898 2
5899–5982 3
5983–6116 4
6117–6222 5
6223–6350 6
6351–6538 9
6539–6822 10
6823–6988 11
6989–7178 12
7179–7284 13
7285–7548 17
7549–7640 18
7641–7776 19
7777–7992 20

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
8344 6343
8345 6345
Executive Orders:
12835 (amended by 13499) 6979
12859 (amended by 13450) 6981
13201 (revoked by 13496) 6107
13202 (revoked by 13502) 6985
13204 (revoked by 13495) 6103
13208 (revoked by 13502) 6985
13258 (revoked by 13497) 6113
13422 (revoked by 13497) 6113
13494 6101
13495 6103
13496 6107
13497 6113
13199 (amended by 13498) 6533
13498 6533
13499 6979
13500 6981
13501 6983
13502 6985
Administrative Orders:
Memorandums:
Memo. of 1/30/2009 5977
Memo. of 1/30/2009 5979
Memo. of 2/4/2009 6347
Memo. of 2/5/2009 6537
Notices:
Notice of February 4, 2009 6349
Presidential Determinations:
No. 2009–15 of January 27, 2009 6115

5 CFR

532 6351
591 7777
Proposed Rules:
532 6003

7 CFR

916 7778
917 7778
932 7778
1400 6117
1412 6352
1779 7179
3575 7179
4279 7179
4280 7179
5001 7179
Proposed Rules:
625 7563
981 7830
1216 7830

8 CFR

274a 5899

10 CFR

Ch. I 5797
2 6989
30 .....6989, 7785
40 6989
50 6989
52 6989
60 6989
63 6989
70 6989
71 6989
72 .....5983, 6989
73 6989
75 7549
76 6989
150 6989
Proposed Rules:
170 7382

11 CFR

100 7285
104 7285
110 7285

12 CFR

208 6223
223 .....6225, 6226
225 6223
229 7785
360 5797
1250 7304
1773 7304
Proposed Rules:
337 5904
704 6004

14 CFR

39 .....7304, 7306, 7309, 7310, 7549, 7552, 7554, 7641, 7643, 7786, 7789, 7792, 7794, 7796, 7797, 7801, 7804, 7809, 7810
71 .....7557, 7558, 7559, 7560, 7561, 7645, 7646
187 6989
Proposed Rules:
25 6557
39 .....6835, 7002, 7004, 7006, 7194, 7196, 7198, 7200, 7202, 7384, 7563, 7565, 7568, 7570, 7573, 7831, 7833, 7834, 7836

71 .....7010, 7011, 7012, 7204
73.....7018
234.....6249
259.....6249
399.....6249

16 CFR

1500.....6990
Proposed Rules:
Ch. I.....6129
255.....5810
1500.....7021

17 CFR

229.....6776
230.....6776, 7748
232.....6776, 7748
239.....6776, 7748
240.....6456, 6776
249.....6776
249b.....6456
274.....7748
Proposed Rules:
1.....7838
30.....7838
140.....7838
210.....6359
229.....6359
230.....6359
240.....6359, 6485
243.....6485
244.....6359
249.....6359

18 CFR

157.....6539
375.....6540

19 CFR

122.....7646

20 CFR

404.....5807

21 CFR

314.....6541
510.....6823
520.....6541, 7180
522.....6993
528.....6823
Proposed Rules:
1308.....7386

22 CFR

215.....5808
510.....7562

24 CFR

30.....7313
4000.....7812
Proposed Rules:
5.....6839
92.....6839
908.....6839

26 CFR

1 .....6824, 6828, 6952
301.....6829, 7814
602.....6952
Proposed Rules:
1 .....6840, 6841, 7021, 7575
301.....7205

28 CFR

Proposed Rules:
26.....6131

29 CFR

403.....5899, 7814
408.....5899, 7814
1611.....6831
4022.....7180
Proposed Rules:
1612.....7843
2550.....6007

32 CFR

199.....6228

33 CFR

105.....6994
117 .....5983, 5984, 5986, 6228, 6229, 7313, 7816, 7817, 7818
147.....7181
155.....7648
165 .....5987, 5989, 6352, 7184, 7818
Proposed Rules:
110.....7575
117.....6359, 7844
165.....6842, 7022

36 CFR

Proposed Rules:
242.....6250

37 CFR

385.....6832

38 CFR

4.....7648

39 CFR

3020 .....6117, 6230, 7648
Proposed Rules:
111.....6250
955.....6844

40 CFR

6.....5991
51.....7193, 7284
52 .....6542, 6552, 7193, 7284, 7820
80.....6233
112.....5900
271.....5994
Proposed Rules:
6.....6008
50.....7027
51.....7027
63.....6510
271.....6010

42 CFR

414.....7653
440.....5808
Proposed Rules:
414.....6557, 7029

43 CFR

3000.....7193

45 CFR

Proposed Rules:
1355.....6362
1356.....6362

46 CFR

71.....7576
114.....7576
115.....7576
122.....7576
162.....6358
170.....7576
171.....7576
172.....7576
174.....7576
175.....7576
176.....7576
178.....7576
179.....7576
185.....7576

47 CFR

Ch. I.....7654
15.....7314
73 .....6001, 6120, 6121, 6122, 6233, 6234, 7657
90.....6235
Proposed Rules:
73 .....6131, 6132, 7847

48 CFR

1652.....7823

49 CFR

209.....6995
Proposed Rules:
611.....7388
612.....7388

50 CFR

17.....6700
216.....6236
229.....7824
300.....6995
648.....6244, 6997
660.....6997, 7826
665.....6998
679 .....6554, 6555, 6556, 7001, 7332, 7333, 7359
Proposed Rules:
17 .....5908, 6122, 6558, 6852, 6853
92.....6563
100.....6250
216.....6010
253.....6257
600.....6257
622 .....6257, 7848, 7849
635.....7577
648.....6564, 7029
679.....7209

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

H.R. 1/P.L. 111–5

American Recovery and Reinvestment Act of 2009 (Feb. 17, 2009; 123 Stat. 115)

Last List February 6, 2009

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.this address.