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Federal Register

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

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

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

8 CFR Part 274a

[CIS No. 2463–08; Docket No. USCIS–2008–0072]

RIN 1615–AB78

Employment Authorization and Verification of Aliens Enlisting in the Armed Forces

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Final rule.

SUMMARY: The Department of Homeland Security (DHS) is amending its regulations governing the employment authorization of aliens and the employment eligibility verification process. This rule provides for employer-specific employment authorization for certain aliens lawfully enlisted into the U.S. Armed Forces (Armed Forces), and those whose enlistment the Secretary with jurisdiction over such Armed Force has determined would be vital to the national interest. This rule also adds the military identification card to the list of documents acceptable for establishing employment eligibility and identity for the Employment Eligibility Verification Form (Form I–9), but only for use by the Armed Forces to verify employment eligibility of aliens lawfully enlisted in the Armed Forces. This rule is necessary to conform DHS regulations to existing statutory authorities regarding the enlistment of aliens by the Armed Forces.

DATES: *Effective date.* This rule is effective on February 23, 2009.

FOR FURTHER INFORMATION CONTACT: Philip B. Busch, Office of Chief Counsel, U. S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Ave., NW., Suite 4210, Washington, DC 20529, telephone (202) 272–1400 or e-mail at *Philip.Busch@dhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

Section 504 of Title 10, U.S. Code, provides citizenship and immigration status eligibility criteria for enlistment in the Armed Forces. The Armed Forces are defined under 10 U.S.C. 101(a)(4) to mean only the U.S. Army, Navy, Air Force, Marine Corps, and Coast Guard. Under section 504, only citizens and noncitizen nationals of the United States; lawful permanent resident aliens; and certain nationals of the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau who are admissible as nonimmigrants under the Compacts of Free Association with those nations, are eligible to enlist in the Armed Forces. *See* 10 U.S.C. 504(b)(1). Section 504(b)(2), however, also authorizes the Secretary of any Armed Force to enlist other aliens ''if the Secretary determines that such enlistment is vital to the national interest.'' *Id.* section 504(b)(2).

Section 274A of the Immigration and Nationality Act (INA), 8 U.S.C. 1324a, prohibits the employment of persons who are not authorized to be employed under U.S. immigration laws, and requires employers to verify the identity and employment eligibility of each individual they hire for employment in the United States. Under DHS regulations governing employment authorization (8 CFR 274a.12) and employment eligibility verification (8 CFR 274a.2), aliens who are lawfully enlisted in the Armed Forces under 10 U.S.C. 504(b)(1) are also employment authorized. DHS regulations, however, do not currently authorize employment for aliens that enlist in the Armed Forces under section 504(b)(2) following a determination by a Secretary of one of the Armed Forces that the enlistment of such aliens is vital to the national interest. This final rule closes that gap and extends employment authorization to any alien lawfully enlisted in the Armed Forces under 10 U.S.C. 504. In order to enable certain aliens who are not otherwise employment authorized to complete the enlistment process, this final rule authorizes an alien to accept employment with a specific Armed Force prior to completing the enlistment process. An alien is so authorized when the Secretary of an Armed Force determines that the alien's enlistment would be vital to the national interest.

II. Regulatory Changes

A. Employer-Specific Employment Authorization

This final rule provides that any person lawfully enlisted in the Armed Forces under the authority of 10 U.S.C. 504 has employer-specific work authorization to serve in the Armed Forces. *See* new 8 CFR 274a.12(d). The rule clarifies that the new employer-specific work authorization is for those aliens who do not otherwise have work authorization that would permit enlistment, either because they do not have work authorization at all, or because their work authorization is employer-specific for an employer other than the Armed Forces. In particular, this rule will conform work authorization under the INA and DHS regulations to such use as the Armed Forces may make of 10 U.S.C. 504(b)(2) in the national interest.

In short, the final rule provides that if an Armed Force lawfully enlists any alien under the authority of 10 U.S.C. 504 who is not otherwise work authorized, the alien enlisted will be considered by DHS to have work authorization for the purpose of, and limited to, that enlistment. The final rule's reference to lawful enlistment under 10 U.S.C. 504 is meant to ensure that it is not construed to provide work authorization to any alien who is falsely or fraudulently enlisted in the Armed Forces through error or misrepresentation of a qualifying section 504 status. The rule also provides the same limited employment authorization to certain aliens prior to their enlistment in the Armed Forces. So that these individuals may complete the enlistment process, they are provided with this limited employment authorization when it is determined that their enlistment would be vital to the national interest under 10 U.S.C. 504.

The final rule provides work authorization, but does not confer nonimmigrant or other immigration status to members of the Armed Forces by virtue of their enlistment. DHS notes, however, that under section 284 of the INA, 8 U.S.C. 1354, and 8 CFR 235.1(c), alien members of the Armed Forces

traveling under official orders or permit are not subject to the removal provisions of the INA. Further, under section 329 of the INA, 8 U.S.C. 1440, and Executive Order 13269 (July 3, 2002), present members of the Armed Forces with honorable service on active duty and satisfying other statutory requirements are immediately eligible to apply for naturalization.

This final rule provides work authorization to serve in the Armed Forces as an alien, during which time the alien may apply for naturalization. The rule does not authorize employment for any employer other than the Armed Forces or for any purpose other than lawful enlistment in one of the Armed Forces.

B. Form I–9 Completion.

Form I–9 has three categories of documents that may be accepted, alone or in combination, by employers for employment eligibility verification:

(1) *List A*—documents that establish both identity and employment eligibility (e.g., U.S. passport; Form I–551, ''Permanent Resident Card;'' and Form I–766, ''Employment Authorization Document'');

(2) *List B*—documents that establish only identity (e.g., State-issued driver's license or identification card); and

(3) *List C*—documents that establish only employment eligibility (e.g., State-issued birth certificate and social security account number card).

See INA sec. 274A(b)(1)(B), (C) and (D), 8 U.S.C. 1324a(b)(1)(B), (C) and (D); 8 CFR 274a.2(b)(1)(v)(A), (B) and (C). An individual must present to his or her employer either one document from List A or one document each from List B and List C.

The documents authorized for the purposes of verifying identity and employment eligibility on the Form I–9 do not adequately address documents that are available to aliens enlisted in the military. In particular, aliens from the Pacific Island nations described in section 10 U.S.C. 504(b)(1)(C) who are enlisted abroad, or aliens enlisted under section 10 U.S.C. 504(b)(2), may not have the appropriate documentation required on the Form I–9. This final rule provides an additional option that an Armed Force may accept to verify both employment eligibility and identity under List A of the Form I–9. In the case of an individual lawfully enlisted for military service only, a military identification card issued by the Armed Forces may now serve as a List A document. *See* new 8 CFR 274a.2(b)(1)(v)(A)(7).

DHS has determined that in the limited situation of verifying employment authorization for military enlistment, which includes a background check to verify citizenship and immigration status, it is appropriate to designate the military identification card as a List A document for Form I–9 purposes. DHS has determined that military identification cards contain a photograph and other personal identification sufficient for verification purposes, and that, along with the background check, they contain adequate security features, thus complying with the statutory requirements in section 274A(b)(1)(B)(ii) of the INA, 8 U.S.C. 1324a(b)(1)(B)(ii), for designating List A documents. The final rule does not change or modify the Form I–9 document list for private or public employers other than the Armed Forces; private or public employers other than the Armed Forces may not accept a military identification card as a List A document to satisfy documentation requirements of the Form I–9. For other employers, a military identification card may continue to be accepted only as a List B identification document as currently provided in 8 CFR 274a.2(b)(1)(v)(B)(1)(iv).

III. Regulatory Requirements

A. Administrative Procedure Act

This rule solely addresses military personnel matters relating to the enlistment of members of the Armed Forces. This rule therefore is exempt from notice and comment rulemaking procedures under the military function exception set forth in section 553(a)(1) of the Administrative Procedure Act (APA), 5 U.S.C. 553(a)(1). For the same reason, this rule is effective immediately upon publication in the **Federal Register**.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 605(b)), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996 (SBRFA), requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). RFA analysis is not required when a rule is exempt from notice and comment rulemaking requirements under the Administrative Procedure Act. *See* 5 U.S.C. 601(2), 603(a) and 604(a). This rule involves a military function of the United States and therefore is exempt from notice and comment rulemaking requirements pursuant to 5 U.S.C. 553(a)(1). DHS therefore is not required to provide an RFA analysis for this rule.

C. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), enacted as Public Law 104–4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. Section 204(a) of the UMRA, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a ''significant intergovernmental mandate.'' A ''significant intergovernmental mandate'' under the UMRA is any provision in a Federal agency regulation that will impose an enforceable duty upon state, local, and tribal governments, in the aggregate, of $100 million (adjusted annually for inflation) in any one year. This rule would not result in such an expenditure.

D. Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based companies to compete with foreign-based companies in domestic and export markets.

E. Executive Order 12866

Section 3(d)(2) of Executive Order 12866 provides that regulations that pertain to a military function of the United States are not subject to its review requirements. Accordingly, this final rule has not been reviewed by the Office of Management and Budget.

F. Executive Order 13132

This rule would have no 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. Therefore, this

rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

G. Paperwork Reduction Act

This final rule does not modify any collection of information as defined in 44 U.S.C. 3502(3), and it will not require a revision to the Form I–9 (OMB Control Number 1615–0047).

List of Subjects in 8 CFR Part 274a

Administrative practice and procedure, Aliens, Employment, Penalties, Reporting and recordkeeping requirements.

■ Accordingly, part 274a of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

■ 1. The authority citation for part 274a continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1324a; 8 CFR part 2.

■ 2. Section 274a.2 is amended by:
■ a. Adding and reserving paragraph (b)(1)(v)(A)(*6*), and by
■ b. Adding a new paragraph (b)(1)(v)(A)(*7*).

The additions read as follows:

§ 274a.2 Verification of identity and employment authorization.

* * * * *

(b) * * *
(1) * * *
(v) * * *
(A) * * *
(*6*) [Reserved]
(*7*) In the case of an individual lawfully enlisted for military service in the Armed Forces under 10 U.S.C. 504, a military identification card issued to such individual may be accepted only by the Armed Forces.

* * * * *

■ 3. Section 274a.12 is amended by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) to read as follows:

§ 274a.12 Classes of aliens authorized to accept employment.

* * * * *

(d) An alien lawfully enlisted in one of the Armed Forces, or whose enlistment the Secretary with jurisdiction over such Armed Force has determined would be vital to the national interest under 10 U.S.C. 504(b)(2), is authorized to be employed by that Armed Force in military service, if such employment is not otherwise authorized under this section and the immigration laws. An alien described in this section is not issued an employment authorization document.

Janet Napolitano,
Secretary.

[FR Doc. E9–3801 Filed 2–19–09; 11:15 am]

BILLING CODE 9111–97–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0952; Directorate Identifier 98–ANE–49–AD; Amendment 39–15816; AD 2009–04–10]

RIN 2120–AA64

Airworthiness Directives; General Electric Company CF6–80A, CF6–80C2, and CF6–80E1 Series Turbofan Engines

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD) for General Electric Company (GE) CF6–80A, CF6–80C2, and CF6–80E1 series turbofan engines. That AD required revisions to the Airworthiness Limitations Section (ALS) of the manufacturer's Instructions for Continued Airworthiness (ICA) to include required inspection of selected critical life-limited parts at each piece-part exposure. This AD requires revisions to the CF6–80A, CF6–80C2, and CF6–80E1 series engines ALS sections of the manufacturer's manuals and an air carrier's approved continuous airworthiness maintenance program to incorporate additional inspection requirements, and to update certain Engine Manual Inspection Task and Sub Task Number references. This AD results from the need to require enhanced inspection of selected critical life-limited parts of CF6–80A, CF6–80C2, and CF6–80E1 series engines. We are issuing this AD to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: This AD becomes effective March 30, 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: Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *robert.green@faa.gov*; telephone (781) 238–7754; (781) 238–7199.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR part 39 by superseding AD 2002–07–12, Amendment 39–12707 (67 FR 17279, April 10, 2002), with a proposed AD. The proposed AD applies to GE CF6–80A, CF6–80C2, and CF6–80E1 series turbofan engines. We published the proposed AD in the **Federal Register** on October 23, 2008 (73 FR 63090). That action proposed to require revisions to the CF6–80A, CF6–80C2, and CF6–80E1 series engines ALS sections of the manufacturer's manuals and an air carrier's approved continuous airworthiness maintenance program to incorporate additional inspection requirements, and to update certain Engine Manual Inspection Task and Sub Task Number references.

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.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the one comment received.

ABX Air requests that we add a statement to the AD, acknowledging that previously approved alternative methods of compliance (AMOCs) for AD 2002–07–12, the AD being superseded, are also approved for this AD.

We agree and added that statement to the AD.

Conclusion

We have carefully reviewed the available data, including the comment 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

We estimate that this AD will affect 315 CF6–80A series engines and 926 CF6–80C2 series engines installed on airplanes of U.S. registry. We also estimate that it will take about 5 work-hours per CF6–80A series engine and about 2 work-hours per CF6–80C2 series engine to do the additional inspections and that the average labor rate is $80 per work-hour. The total cost of the new inspections per CF6–80A series engine will be about $400. The total cost of the new inspections per CF6–80C2 series engine will be about $160. We estimate that there will be about 42 shop visits per year for CF6–80A series engines, and about 128 shop visits per year for CF6–80C2 series engines that result in piece-part-exposure of the added affected components. Therefore, we estimate the total annual cost for the additional inspections to be $37,280.

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 summary of the costs to comply with this AD and placed it in the AD Docket. 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.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration 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 removing Amendment 39–12707 (67 FR 17279, April 10, 2002), and by adding a new airworthiness directive, Amendment 39–15816, to read as follows:

2009–04–10 General Electric Company: Amendment 39–15816. Docket No. FAA–2008–0952; Directorate Identifier 98–ANE–49–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective March 30, 2009.

Affected ADs

(b) This AD supersedes AD 2002–07–12, Amendment 39–12707.

Applicability

(c) This AD applies to General Electric Company CF6–80A, CF6–80C2, and CF6–80E1 series turbofan engines. These engines are installed on, but not limited to, Airbus A300, A310, and A330 series, Boeing 747 and 767 series, and McDonnell Douglas MD–11 series airplanes.

Unsafe Condition

(d) This AD results from the need to require enhanced inspection of selected critical life-limited parts of CF6–80A, CF6–80C2, and CF6–80E1 series engines. We are issuing this AD to prevent critical life-limited rotating engine part failure, which could result in an uncontained engine failure 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.

Inspections

(f) Within the next 180 days after the effective date of this AD, revise the Airworthiness Limitations Section (ALS) of the manufacturer's Instructions for Continued Airworthiness (ICA), and for air carrier operations revise the approved continuous airworthiness maintenance program, by adding the following: ''MANDATORY INSPECTIONS''

(1) Perform inspections of the following parts at each piece-part opportunity in accordance with the instructions provided in the applicable manual provisions:

Part nomenclature	Part number (P/N)	Inspect per engine manual inspection chapter
For CF6–80A Engines:		
Disk, Fan Rotor, Stage 1	All	72–21–03 Paragraph 3. Fluorescent-Penetrant Inspect, and 72–21–03 Paragraph 4. Eddy Current Inspect.
Fan Forward Shaft	All	72–21–05 Paragraph 2. Magnetic Particle Inspect.
Fan Mid Shaft	All	72–24–01 Paragraph 2. Magnetic Particle Inspect.
Disk, HPC Rotor, Stage One	All	72–31–04 Paragraph 3. Fluorescent-Penetrant Inspect.
**Disk, HPC Rotor, Stage Two	All	72–31–05 Paragraph 4. Fluorescent-Penetrant Inspect.
Spool, HPC Rotor, Stage 3–9	All	72–31–06 Paragraph 3. Fluorescent-Penetrant Inspect.
Disk, HPC Rotor, Stage 10	All	72–31–07 Paragraph 3. Fluorescent-Penetrant Inspect.
Spool, HPC Rotor, Stage 11–14	All	72–31–08 Paragraph 3.A. Fluorescent-Penetrant Inspect.
Rotating CDP Seal	All	72–31–10 Paragraph 3. Fluorescent-Penetrant Inspect.
Disk Shaft, HPT Rotor, Stage One	All	72–53–02 Paragraph 3. Fluorescent-Penetrant-Inspect per 70–32–02, and 72–53–02 Paragraph 6.C. Disk Rim Bolt Hole Eddy Current Inspection, and 72–53–02 Paragraph 6.D. Disk Bore Eddy Current Inspection.

Part nomenclature	Part number (P/N)	Inspect per engine manual inspection chapter
*Disk Shaft, HPT Rotor, Stage One	All	72–53–02 Paragraph 6.E. Disk Dovetail Slot Bottom Eddy Current Inspection.
*Disk Shaft, HPT Rotor, Stage One	P/Ns 2047M33G01 thru G10, and P/N 9362M58G11.	72–53–02 Paragraph 7. Disk Dovetail Slot Bottom Aft Corner Chamfers Eddy Current Inspection.
Disk, HPT Rotor, Stage Two	All	72–53–06 Paragraph 3. Fluorescent-Penetrant Inspection, and 72–53–06 Paragraph 6. Eddy Current Inspection of Rim Bolt Holes for Cracks, and 72–53–06 Paragraph 7. Disk Bore Eddy Current Inspection.
Disk, LPT Rotor, Stage 1–4	All	72–57–02 Paragraph 3. Fluorescent-Penetrant Inspection.
Shaft, LPT Rotor	All	72–57–03 Paragraph 3. Fluorescent-Penetrant Inspection, and 72–57–03 Paragraph 6. Eddy Current Inspection.
For All CF6–80C2 Engines:		
Disk, Fan Rotor, Stage 1	All	Task 72–21–03–200–000–004 Fluorescent-Penetrant Inspection, and Task 72–21–03–200–000–008 Eddy Current Inspect Fan Rotor Disk Stage 1 Bore, Forward and Aft Hub Faces, and Bore Radii.
Shaft, Fan Forward	All	Task 72–21–05–200–000–001 Fluorescent Penetrant Inspection, and Task 72–21–05–200–000–005 Vent Hole Eddy Current Inspection.
Fan Mid Shaft	All	Task 72–24–01–200–000–003 Magnetic Particle Inspection.
HPCR Stage 1 Disk	All	Task 72–31–04–200–000–002 Fluorescent Penetrant Inspection.
HPCR Stage 2 Disk	All	Task 72–31–05–200–000–002 Fluorescent Penetrant Inspection.
HPCR Stage 3–9 Spool	All	Task 72–31–06–200–000–001 Fluorescent Penetrant Inspection.
HPCR Stage 10 Disk	All	Task 72–31–07–200–000–001 Fluorescent Penetrant Inspection.
HPCR Stage 11–14 Spool/Shaft	All	Task 72–31–08–200–000–002 Fluorescent Penetrant Inspection.
No. 4 Bearing Rotating (CDP) Air Seal	All	Task 72–31–10–200–000–001 Fluorescent Penetrant Inspection or Task 72–31–10–200–000-A01 Fluorescent Penetrant Inspection.
HPCR Stage 10–14 Spool/Shaft	All	Task 72–31–22–200–000–002 Fluorescent Penetrant Inspection.
** Disk/Shaft, HPT Rotor, Stage One	All	Task 72–53–02–200–000–001 (Inspection—Configuration 1), or Task 72–53–02–230–801 (Inspection—Configuration 2), Fluorescent-Penetrant Inspect, and Task 72–53–02–200–000–005 (Inspection—Configuration 1), or Task 72–53–02–250–802 (Inspection—Configuration 2), Disk Rim Bolt Hole Eddy Current Inspection, and Task 72–53–02–200–000–006 (Inspection—Configuration 1), or Task 72–53–02–250–803 (Inspection—Configuration 2), Disk Bore Area Eddy Current Inspection, and Task 72–53–02–200–000–007 (Inspection—Configuration 1), or Task 72–53–02–250–804 (Inspection—Configuration 2), Disk Dovetail Slot Bottom Eddy Current.
* Disk/Shaft, HPT Rotor, Stage One	P/N 1531M84G12 and P/Ns 2047M32G01 thru G07.	Task 72–53–02–250–801 (Inspection—Configuration 1), Disk Dovetail Slot Bottom Aft Corner Chamfers Eddy Current Inspection.
Disk, HPT Rotor, Stage Two	All	Task 72–53–06–200–000–002 Fluorescent-Penetrant Inspect, and Task 72–53–06–200–000–006 Disk Rim Bolt Hole Eddy Current Inspection, and Task 72–53–06–200–000–007 Disk Bore Eddy Current Inspection.
LPTR Stage 1–5 Disks	All	Task 72–57–02–200–000–001 Fluorescent-Penetrant Inspection.
LPTR Shaft	All	Task 72–57–03–200–000–002 Fluorescent-Penetrant Inspect, and Task 72–57–03–200–000–006 Eddy Current Inspection.
For CF6–80C2 Engines configured with the R88DT Turbine (Models CF6–80C2B2F, 80C2B4F, 80C2B6F, 80C2B7F, 80C2B8F):		
Disk/Shaft, HPT Rotor, Stage One (R88DT, No Rim Bolt Holes).	All	Task 72–53–16–200–000–001 Fluorescent-Penetrant Inspect, and Task 72–53–16–200–000–005 Disk Bore Area Eddy Current Inspection.
Disk, HPT Rotor, Stage Two (R88DT, No Rim Bolt Holes).	All	Task 72–53–18–200–000–002 Fluorescent-Penetrant Inspect, and Task 72–53–18–200–000–005 Disk Bore Area Eddy Current Inspection.
Rotating Interstage Seal (R88DT)	All	Task 72–53–17–200–000–001 Fluorescent-Penetrant Inspect, and Task 72–53–17–200–000–005 Seal Bore Area Eddy Current.
Forward Outer Seal (R88DT)	All	Task 72–53–21–200–000–001 Fluorescent-Penetrant Inspect, and Task 72–53–21–200–000–004 Seal Bore Area Eddy Current.
For CF6–80E1 Engines:		
Disk, Fan Rotor, Stage One	All	Sub Task 72–21–03–230–051 Fluorescent-Penetrant Inspection, and Sub Task 72–21–03–250–051 or 72–21–03–250–052 Disk Bore Eddy Current Inspection.
Shaft, Fan	All	Sub Task 72–21–05–230–051 Fluorescent Penetrant Inspection, and Sub Task 72–21–05–250–051 Vent Hole Eddy Current Inspection.

Part nomenclature	Part number (P/N)	Inspect per engine manual inspection chapter
Compressor Rotor, Stage 1 Disk	All	Sub Task 72–31–04–230–051 Fluorescent Penetrant Inspection.
Compressor Rotor, Stage 2 Disk	All	Sub Task 72–31–05–230–051 Fluorescent Penetrant Inspection.
Compressor Rotor, Stage 3–9 Spool	All	Sub Task 72–31–06–230–051 Fluorescent Penetrant Inspection.
Compressor Rotor, Stage 10 Disk (Pre SB 72–0150).	All	Sub Task 72–31–07–230–051 Fluorescent Penetrant Inspection.
Compressor Rotor Spool/Shaft, Stage 11–14 (Pre SB 72–0150).	All	Sub Task 72–31–08–230–051 Fluorescent Penetrant Inspection.
Compressor Rotor Spool/Shaft, Stage 10–14 (SB 72–0150).	All	Sub Task 72–31–23–230–052 Fluorescent Penetrant Inspection.
Compressor Rotor No. 4 Bearing Rotating Air Seal (CDP Rotating Seal).	All	Sub Task 72–31–10–230–051 Fluorescent Penetrant Inspection.
HPT Disk/Shaft, Stage 1	All	Sub Task 72–53–02–230–051 Fluorescent-Penetrant Inspection, and Sub Task 72–53–02–250–051 Eddy Current Inspection, Rim Bolt Holes, and Sub Task 72–53–02–250–054 Eddy Current Inspection, Disk Bore.
HPT Disk, Stage 2	All	Sub Task 72–53–06–230–051 Fluorescent-Penetrant Inspection, and Sub Task 72–53–06–250–051 Eddy Current Inspection, Rim Bolt Holes, and Sub Task 72–53–06–250–054 Eddy Current Inspection, Disk Bore.
LPT Rotor Shaft	All	Sub Task 72–55–01–240–051 Magnetic Particle Inspect.
LPT Disks, Stages 1–5	All	Sub Task 72–57–02–230–051 Fluorescent-Penetrant Inspect.
LPT Rotor Torque Cone	All	Sub Task 72–57–03–220–051 Fluorescent-Penetrant Inspect.
For CF6–80E1 Engines configured with the R88DT Turbine:		
Disk/Shaft, HPT Rotor, Stage 1 (R88DT, No Rim Bolt Holes).	All	Sub Task 72–53–16–230–052 Fluorescent-Penetrant Inspect, and Sub Task 72–53–16–250–051 Disk Bore Area Eddy Current Inspection.
Disk, HPT Rotor, Stage 2 (R88DT, No Rim Bolt Holes).	All	Sub Task 72–53–18–230–051 Fluorescent-Penetrant Inspect, and Sub Task 72–53–18–250–051 Disk Bore Area Eddy Current Inspection.
** HPT Rotor Rotating Interstage Seal (R88DT)	All	Sub Task 72–53–17–230–056 Fluorescent-Penetrant Inspect, and Sub Task 72–53–17–250–051 Seal Bore Area Eddy Current.
HPT Rotor Forward Outer Seal (R88DT)	All	Sub Task 72–53–21–230–051 Fluorescent-Penetrant Inspect, and Sub Task 72–53–21–250–051 Seal Bore Area Eddy Current.

(2) For the purposes of these mandatory inspections, piece-part opportunity means:

(i) The part is considered completely disassembled when accomplished in accordance with the disassembly instructions in the manufacturer's engine manual; and

(ii) The part has accumulated more than 100 cycles-in-service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine.''

(g) The parts added to the table of this AD are identified by an asterisk (*) that precedes the part nomenclature. Also, parts that have an Engine Manual Inspection Task and or Sub Task Number reference updated in the table of this AD, are identified by two asterisks (**) that precede the part nomenclature.

(h) Except as provided in paragraph (i) of this AD, and notwithstanding contrary provisions in section 43.16 of the Federal Aviation Regulations (14 CFR 43.16), these mandatory inspections shall be performed only in accordance with the ALS of the manufacturer's ICA.

Alternative Methods of Compliance (AMOC)

(i) You must perform these mandatory inspections using the ALS of the ICA and the applicable Engine Manual unless you receive approval to use an AMOC under paragraph (j) of this AD. Section 43.16 of the Federal Aviation Regulations (14 CFR 43.16) may not be used to approve alternative methods of compliance or adjustments to the times in which these inspections must be performed.

(j) 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.

(k) AMOCs previously approved for AD 2002–07–12, are also approved for this AD.

Maintaining Records of the Mandatory Inspections

(l) You have met the requirements of this AD when you revise the ALS of the manufacturer's ICA as specified in paragraph (f) of this AD. For air carriers operating under part 121 of the Federal Aviation Regulations (14 CFR part 121), you have met the requirements of this AD when you modify your continuous airworthiness maintenance plan to reflect those changes. You do not need to record each piece-part inspection as compliance to this AD, but you must maintain records of those inspections according to the regulations governing your operation. For air carriers operating under part 121, you may use either the system established to comply with section 121.369 or an alternative accepted by your principal maintenance inspector if that alternative:

(1) Includes a method for preserving and retrieving the records of the inspections resulting from this AD; and

(2) Meets the requirements of section 121.369(c); and

(3) Maintains the records either indefinitely or until the work is repeated.

(m) These recordkeeping requirements apply only to the records used to document the mandatory inspections required as a result of revising the ALS of the manufacturer's ICA as specified in paragraph (f) of this AD. These record keeping requirements do not alter or amend the record keeping requirements for any other AD or regulatory requirement.

Related Information

(n) Contact Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *robert.green@faa.gov*; telephone (781) 238–7754; fax (781) 238–7199, for more information about this AD.

Material Incorporated by Reference

(o) None.

Issued in Burlington, Massachusetts, on February 5, 2009.

Peter A. White,

Assistant Manager, Engine and Propeller Directorate.

[FR Doc. E9–3105 Filed 2–20–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

14 CFR Part 97

[Docket No. 30648; Amdt. No. 3305]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective February 23, 2009. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 23, 2009.

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

For Examination—

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

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

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

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

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

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

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

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

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

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

The Rule

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

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

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

Conclusion

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

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

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

John M. Allen,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

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

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

FDC date	State	City	Airport	FDC No.	Subject
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5343	ILS OR LOC RWY 32L, AMDT 2A
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5344	RNAV (GPS) RWY 10, AMDT 3
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5345	ILS OR LOC RWY 32R, AMDT 21C
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5346	RNAV (GPS) RWY 32R, AMDT 1A
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5347	RNAV (GPS) Y RWY 22L, ORIG–B
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5348	RNAV (GPS) Z RWY 22L, ORIG–A
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5349	ILS OR LOC RWY 4R, AMDT 6J
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5350	ILS OR LOC RWY 22R, AMDT 7F
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5351	RNAV (GPS) RWY 28, AMDT 2
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5352	ILS OR LOC RWY 22L, AMDT 4G
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5353	RNAV (GPS) RWY 4L, AMDT 1A
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5354	RNAV (GPS) RWY 4R, ORIG–B
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5356	RNAV (GPS) RWY 14L, AMDT 1A
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5357	RNAV (GPS) RWY 14R, AMDT 1A
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5359	RNAV (GPS) RWY 22R, AMDT 1A
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5360	RNAV (GPS) RWY 32L, AMDT 2B
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5361	LOC RWY 4L, AMDT 20A
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5366	ILS OR LOC RWY 10, ILS RWY 10 (CAT II), ILS RWY 10 (CAT III), AMDT 16
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5367	ILS OR LOC RWY 14L, ILS RWY 14L (CAT II), ILS RWY 14L (CAT III), AMDT 29A
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5368	ILS OR LOC RWY 14R, ILS RWY 14R (CAT II), ILS RWY 14R (CAT III), AMDT 30A
12/24/08	IL	CHICAGO	CHICAGO-O'HARE INTL	8/5369	ILS OR LOC RWY 28, ILS RWY 28 (CAT II), ILS RWY 28 (CAT III), AMDT 15
10/22/08	NY	NEW YORK	JOHN F. KENNEDY	8/5517	ILS OR LOC RWY 13L, ILS RWY 13L (CAT II) AMDT 16A
12/31/09	AZ	TUCSON	RYAN FIELD	8/5894	ILS OR LOC RWY 6R, AMDT 5B
01/02/09	OR	PORTLAND	PORTLAND INTL	9/0041	ILS OR LOC RWY 28L, AMDT 1
01/02/09	NV	RENO	RENO/TAHOE INTL	9/0043	ILS OR LOC/DME RWY 34L, ORIG
01/02/09	WY	WORLAND	WORLAND MUNI	9/0048	VOR OR GPS RWY 16, AMDT 5B
01/05/09	NY	POUGHKEEPSIE	DUTCHESS COUNTY	9/0152	VOR/DME RWY 24, AMDT 4
01/05/09	WA	SPOKANE	SPOKANE INTL	9/0219	ILS OR LOC/DME RWY 21, ILS RWY 21 (CAT II), ILS RWY 21 (CAT III), AMDT 21
01/05/09	OR	NORTH BEND	SOUTHWEST OREGON REGIONAL	9/0224	TAKE-OFF MINIMUMS AND (OBSTACLE) DP, AMDT 4A
01/05/09	WY	RIVERTON	RIVERTON REGIONAL	9/0228	ILS OR LOC RWY 28, AMDT 1B

[FR Doc. E9–3003 Filed 2–20–09; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30647 Amdt. No 3304]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective February 23, 2009. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 23, 2009.

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

For Examination—

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

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

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

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

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

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

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

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

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

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

The Rule

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

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

Conclusion

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

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

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

John M. Allen,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

** * * Effective 12 FEB 2009*

Jacksonville, FL, Craig Muni, RNAV (GPS) RWY 32, Orig-A

** * * Effective 12 MAR 2009*

Little Rock, AR, Adams Field, RNAV (GPS) RWY 4L, Amdt 1
Little Rock, AR, Adams Field, RNAV (GPS) RWY 4R, Amdt 1
Little Rock, AR, Adams Field, RNAV (GPS) RWY 22L, Amdt 1
Little Rock, AR, Adams Field, RNAV (GPS) RWY 22R, Amdt 1
Osceola, AR, Osceola Muni, RNAV (GPS) RWY 19, Orig
Warren, AR, Warren Muni, GPS RWY 21, Orig-B, CANCELLED
Warren, AR, Warren Muni, NDB OR GPS RWY 3, Amdt 1B, CANCELLED
Warren, AR, Warren Muni, RNAV (GPS) RWY 3, Orig
Warren, AR, Warren Muni, RNAV (GPS) RWY 21, Orig
Warren, AR, Warren Muni, VOR/DME-A, Amdt 5
Sebring, FL, Sebring Regional, GPS RWY 36, Orig-A, CANCELLED
Sebring, FL, Sebring Regional, RNAV (GPS) Y RWY 36, Orig
Sebring, FL, Sebring Regional, RNAV (GPS) Z RWY 36, Orig
Vero Beach, FL, Vero Beach Muni, RNAV (GPS) RWY 4, Orig
Vero Beach, FL, Vero Beach Muni, RNAV (GPS) RWY 11R, Amdt 1
Vero Beach, FL, Vero Beach Muni, RNAV (GPS) RWY 22, Orig

Vero Beach, FL, Vero Beach Muni, RNAV (GPS) RWY 29L, Amdt 1
Atlanta, GA, Fulton County Arpt-Brown Field, NDB RWY 8, Amdt 3
Augusta, GA, Augusta Rgnl at Bush Field, Takeoff Minimums and Obstacle DP, Amdt 13
Indianapolis, IN, Indianapolis Intl, RNAV (RNP) Z RWY 5L, Orig-A
Indianapolis, IN, Indianapolis Intl, RNAV (RNP) Z RWY 23R, Orig-A
Natchitoches, LA, Natchitoches Rgnl, RNAV (GPS) RWY 17, Orig
Natchitoches, LA, Natchitoches Rgnl, RNAV (GPS) RWY 35, Orig
Natchitoches, LA, Natchitoches Rgnl, Takeoff Minimums and Obstacle DP, Amdt 6
Rayville, LA, John H Hooks Jr Memorial, RNAV (GPS) RWY 18, Orig
Rayville, LA, John H Hooks Jr Memorial, RNAV (GPS) RWY 36, Amdt 1
Rayville, LA, John H Hooks Jr Memorial, Takeoff Minimums and Obstacle DP, Orig
Norwood, MA, Norwood Memorial, Takeoff Minimums and Obstacle DP, Amdt 5
Fryeburg, ME, Eastern Slopes Regional, NDB-B, Amdt 2
Greenville, ME, Greenville Muni, NDB RWY 14, Amdt 5
Greenville, ME, Greenville SPB, NDB-A, Amdt 5
Greenville, ME, Greenville SPB, RNAV (GPS)-B, Orig
Romeo, MI, Romeo State, GPS RWY 36, Orig-A, CANCELLED
Romeo, MI, Romeo State, RNAV (GPS) RWY 18, Orig
Romeo, MI, Romeo State, RNAV (GPS) RWY 36, Orig
Romeo, MI, Romeo State, VOR/DME-A, Amdt 8
Glencoe, MN, Glencoe Muni, RNAV (GPS) RWY 31, Orig
Glencoe, MN, Glencoe Muni, Takeoff Minimums and Obstacle DP, Orig
South St Paul, MN, South St Paul Muni-Richard E Fleming Fld, GPS RWY 34, Orig, CANCELLED
South St Paul, MN, South St Paul Muni-Richard E Fleming Fld, RNAV (GPS) RWY 34, Orig
Greenville, MS, Mid Delta Rgnl, GPS RWY 18L, Orig, CANCELLED
Greenville, MS, Mid Delta Rgnl, GPS RWY 18R, Orig, CANCELLED
Greenville, MS, Mid Delta Rgnl, GPS RWY 36R, Orig, CANCELLED
Greenville, MS, Mid Delta Rgnl, RNAV (GPS) RWY 18L, Orig
Greenville, MS, Mid Delta Rgnl, RNAV (GPS) RWY 18R, Orig
Greenville, MS, Mid Delta Rgnl, RNAV (GPS) RWY 36R, Orig
Fostoria, OH, Fostoria Metropolitan, NDB RWY 27, Amdt 5
Fostoria, OH, Fostoria Metropolitan, RNAV (GPS) RWY 27, Orig
Fostoria, OH, Fostoria Metropolitan, Takeoff Minimums and Obstacle DP, Orig
Fostoria, OH, Fostoria Metropolitan, VOR-A, Amdt 4
Waverly, OH, Pike County, GPS RWY 7, Orig-B, CANCELLED
Waverly, OH, Pike County, GPS RWY 25, Orig-A, CANCELLED
Waverly, OH, Pike County, RNAV (GPS) RWY 7, Orig
Waverly, OH, Pike County, RNAV (GPS) RWY 25, Orig
Honesdale, PA, Cherry Ridge, RNAV (GPS) RWY 36, Orig, CANCELLED
Honesdale, PA, Cherry Ridge, RNAV (GPS)-B, Orig
Atlanta, TX, Hall Miller Muni, RNAV (GPS) RWY 5, Amdt 1

[FR Doc. E9–3047 Filed 2–20–09; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

[Docket No. 080219210–8245–01]

RIN 0691–AA65

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

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rule.

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

DATES: This final rule will be effective March 25, 2009.

FOR FURTHER INFORMATION CONTACT: David H. Galler, Chief, Direct Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606–9835 or e-mail (*david.galler@bea.gov*).

SUPPLEMENTARY INFORMATION: In the September 11, 2008, **Federal Register**, 73 FR 52800–52802, BEA published a notice of proposed rulemaking setting forth revised reporting criteria for the BE–15, Annual Survey of Foreign Direct Investment in the United States. BEA received four comments on the proposed rule, requesting reinstatement of data items that BEA had proposed to remove from the survey due to reduced resources. One comment addressed the proposed deletion of an item that collects data on the number of employees engaged in research and development. The commenter highlighted the important uses of these data and urged BEA to retain the item. In response, BEA has decided to retain this item, which does not greatly add to the cost of conducting the survey and processing the results. The other three comments urged BEA to retain state-level data on manufacturing employees, gross property, plant, and equipment, and commercial property, citing the uses of these data in connection with tracking and analyzing foreign investment in individual states, planning international trade missions and economic development activities, and justifying funding for state investment promotion programs. BEA recognizes the utility and importance of these data items, but due to resource constraints, it is unable to reinstate these items at this time.

In reviewing the data provided by respondents on the 2007 BE–12, Benchmark Survey of Foreign Direct Investment in the United States, BEA has become aware of the use of new financial accounting standards that allow companies to report certain financial assets and liabilities at fair value. In order to maintain the accuracy and consistency of the economic accounts, BEA requires information on whether a respondent company is using the fair value option, and if so, what portion of its assets and liabilities are reported at fair value. Questions will be added to the 2008 BE–15 annual survey to collect this information from the largest respondent companies. The additional questions related to research and development employees and to the use of fair value accounting will be reflected in the final versions of the forms. This final rule amends 15 CFR Part 806.15 to set forth the reporting requirements for the BE–15, Annual Survey of Foreign Direct Investment in the United States.

Description of Changes

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

The changes to the 2008 annual survey are of four types: (1) Changes that will reduce detail and raise reporting thresholds, (2) changes that will extend the coverage of the survey to include banks, (3) changes that align the BE–15 forms and instructions with those of the 2007 BE–12, Benchmark Survey of Foreign Direct Investment in the United States, and (4) changes related to new accounting standards. These changes are described in more detail below. The BE–15 survey forms have been revised and, in some cases, renamed to facilitate these changes. The revised survey is comprised of four forms: Form BE–15A (formerly named Form BE–15(LF)), Form BE–15B (formerly named Form BE–15(SF)), Form BE–15(EZ) (name unchanged), and BE–15 Claim for Exemption (formerly named BE–15 Supplement C).

Changes that reduce detail. In order to align BEA's survey program with available resources, which have declined as a result of a recent reduction in BEA's budget, some data items will be dropped from the forms, reporting thresholds will be raised, and use of statistical sampling will be expanded. The following data items will no longer be collected: Selected balance sheet items; the breakdown of sales of services to foreign persons into sales of services to the foreign parent group, to foreign affiliates, and to other foreign persons; the breakdown of employment and employee compensation by occupational classification; the breakdown of total employee compensation into wages and salaries and employee benefit plans; data on the composition of external finances; imports of goods intended for further manufacture; manufacturing employment by state; gross property, plant, and equipment by state; commercial property by state; and wholesale and retail trade items.

Changes that raise reporting thresholds. Reporting thresholds will be raised and greater use will be made of sampling, allowing smaller companies to file every other year rather than annually. BEA will (1) increase the threshold for reporting on Form BE–15A from $125 million to $275 million; (2) increase the threshold for reporting on Form BE–15B from $30 million to $120 million; and (3) increase the threshold for reporting on Form BE–15(EZ) from $30 million to $40 million. Also, filing on Form BE–15(EZ) will be required only every other year. In alternate years, potential respondents will be mailed a letter confirming that they are not required to file and asking them to update their contact information with BEA. The new reporting thresholds will still allow BEA to produce high quality statistics; however, some reduction in published detail will be necessary because of insufficient coverage in some cells.

Changes that extend the coverage of the survey to include banks. BEA extends the coverage of the survey to collect data on bank U.S. affiliates of foreign direct investors on the BE–15 annual survey. Data collected on previous annual surveys was limited to that of nonbank U.S. affiliates. BEA will continue to collect data for bank affiliates on its quinquennial BE–12, Benchmark Survey of Foreign Direct Investment in the United States. This expansion in coverage of the BE–15 survey to include bank affiliates is required to close a gap in BEA's data on multinational companies and parallels recent changes in the BE–11, Annual Survey of U.S. Direct Investment Abroad.

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

Changes related to new accounting standards. Another change to the BE–15 survey is the addition of data items that will aid in analyzing the effect on BEA's statistics of recent changes in financial accounting standards that allow companies to report certain financial assets and liabilities at fair value. In order to maintain the accuracy and consistency of the economic accounts, BEA needs information on whether a respondent company is using the fair value option, and if so, what portion of its assets and liabilities are reported at fair value. A check-the-box item and two data items will be added to Form BE–15A to collect this information. Companies that choose the fair value option are required to separately identify the amount of assets and of liabilities that are stated at fair value in their own financial statements. Therefore, the data are readily accessible from existing financial records.

Survey Background

The Bureau of Economic Analysis (BEA), U.S. Department of Commerce, conducts the BE–15 survey under the authority of the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108), hereinafter, ''the Act.'' Section 4(a) of the Act requires that the President shall, to the extent he deems necessary and feasible, conduct a regular data collection program to secure current information on international financial flows and other information related to international investment and trade in services, including (but not limited to) such information as may be necessary for computing and analyzing the United States balance of payments, the employment and taxes of United States parents and affiliates, and the international investment and trade in services position of the United States.

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

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

Executive Order 12866

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

Executive Order 13132

This final rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 13132.

Paperwork Reduction Act

The collection-of-information in this final rule has been submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). OMB approved the information collection under control number 0608–0034.

Not withstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB control number.

The BE–15 survey is expected to result in the filing of reports from approximately 3,650 U.S. affiliates of foreign direct investors. The respondent burden for this collection of information is expected to vary from 20 minutes for the smallest and least complex company reporting on the BE–15 Claim for Exemption to 470 hours for the largest and most complex company reporting on Form BE–15A, with an average burden of 18.8 hours per response. Thus, the total respondent burden for this survey—including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information—is estimated at 68,750 hours (3,650 responses times 18.8 hours average burden). Total respondent burden for the previous (2006) annual survey was estimated at 107,900 hours. The decrease in respondent burden is due to (1) increased reporting thresholds, which reduce the total number of respondents and allow more respondents to file on shorter forms, (2) increased use of sampling, which allows BE–15(EZ) filers to submit forms only in alternate years, and (3) a reduction in the number of data items on the form, which reduces the average burden per form.

Comments regarding the burden-hour estimates or any other aspect of the collection-of-information requirements contained in the final rule should be sent to (1) The Bureau of Economic Analysis via mail to U.S. Department of Commerce, Bureau of Economic Analysis, Office of the Chief, Direct Investment Division, BE–50, Washington, DC 20230; via e-mail at *David.Galler@bea.gov*; or by FAX at (202) 606–5311 and (2) the Office of Management and Budget, O.I.R.A., Paperwork Reduction Project 0608–0034, Attention PRA Desk Officer for BEA, via e-mail at *pbugg@omb.eop.gov*, or by FAX at (202) 395–7245.

Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this rule will not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding the economic impact of the rule. As a result, no final regulatory flexibility analysis was prepared.

List of Subjects in 15 CFR Part 806

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

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

■ For the reasons set forth in the preamble, BEA amends 15 CFR part 806 as follows:

PART 806—DIRECT INVESTMENT SURVEYS

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

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

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

§ 806.15 Foreign direct investment in the United States.

* * * * *

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

* * * * *

[FR Doc. E9–3705 Filed 2–20–09; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2008–1198]

RIN 1625–AA00

Safety Zone: Route 5 Bridge Demolition, Chickahominy River, Charles City County and James City County, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Chickahominy River in the vicinity of Charles City County and James City County, VA in support of the demolition of the Route 5 Bridge over the Chickahominy River. This action will protect the maritime public on the Chickahominy River from the hazards associated with bridge demolition and explosive blasting.

DATES: This rule is effective from 7 a.m. on March 4, 2009 to 6 p.m. on March 6, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2008–1198 and are available online by going to *http://www.regulations.gov*, selecting the Advanced Docket Search option on the right side of the screen, inserting USCG–2008–1198 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. 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 Commander, Sector Hampton Roads, Norfolk Federal Building, 200 Granby St., 7th Floor between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call Lieutenant Tiffany Duffy, Chief, Waterways Management Division, Sector Hampton Roads at (757) 668–5580. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' 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 any delay encountered in this regulation's effective date by publishing a NPRM would be contrary to public interest since immediate action is needed to provide for the safety of life and property on navigable waters.

For the same reasons as noted immediately above, 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

Coast Guard Sector Hampton Roads has been notified by Skanska USA Civil Southeast Inc. that blasting operations to demolish the Route 5 Bridge swing span piers over the Chickahominy River will commence on March 4, 2009. Due to the need to protect mariners and spectators from the hazards associated with the blasting procedures, access to the Chickahominy River within 2,000 feet of the blast site within the above-mentioned designated area will be temporarily restricted.

Discussion of Rule

The Coast Guard is establishing a safety zone on specified waters of the Chickahominy River at the approximate position 37°15′49″ N/76°52′35″ W (NAD 1983), in the vicinity of Charles City County and James City County, VA. This safety zone will encompass all navigable waters within 2,000 feet of the Route 5 Bridge. This regulated area will be established in the interest of public safety during the blasting demolition of the Route 5 Bridge and will be in place from 7 a.m. on March 4, 2009 to 6 p.m. on March 6, 2009, or until completion of the explosive blasting, whichever is sooner. Access to the safety zone will be restricted during the specified dates. The safety zone will be enforced two hours before explosive blasting begins and remain in place for two hours after the explosive blasting. Two hours before explosive blasting begins, a one minute series of long audible signals will sound every 30 minutes. Thirty minutes before the explosive blasting, a one minute series of long audible signals will sound every five minutes. Except for participants and vessels authorized by the Captain of the Port or his Representative, no person or vessel may enter or remain in the regulated area.

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. Although this proposed regulation restricts access to the safety zone, the effect of this rule will not be significant because: (i) The safety zone will be in effect for a limited duration; (ii) the zone is of limited size; and (iii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly; (iv) mariners may be able to gain entrance to the safety zone by contacting the Captain of the Port.

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.

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. The safety zone will only be in place for a limited duration. Maritime advisories will be issued allowing the mariners to adjust their plans accordingly. However, this rule may affect the following entities, some of which may be small entities: owners and operators of vessels intending to transit or anchor in that portion of the Chickahominy River from 7 a.m. on March 4, 2009 to 6 p.m. on March 6, 2009.

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. An environmental analysis checklist and a 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 § 165.T05–1198 to read as follows:

§ 165.T05–1198 Safety Zone: Route 5 Bridge Demolition, Chickahominy River, Charles City County and James City County, VA.

(a) *Regulated Area.* The following area is a safety zone: All waters of the Chickahominy River, located within 2,000 feet of the Route 5 Bridge at the approximate position 37°15′49″ N/76°52′35″ W (NAD 1983), in the vicinity of Charles City County and James City County, VA.

(b) *Definition.* For the purposes of this part, Captain of the Port Representative: means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads, Virginia, to act on his behalf.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(3) The Captain of the Port, Hampton Roads can be reached through the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia, at telephone Number (757) 668–5555.

(4) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65 Mhz) and channel 16 (156.8 Mhz).

(d) Enforcement Period: This regulation will be enforced from 7 a.m. on March 4, 2009, to 6 p.m. on March 6, 2009.

Dated: February 4, 2009.

Patrick B. Trapp,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads.

[FR Doc. E9–3769 Filed 2–20–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2009–0046]

RIN 1625–AA00

Safety Zone; Naval Underwater Detonation; Northwest Harbor, San Clemente Island, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the navigable waters of the Northwest Harbor of San Clemente Island in support of the Naval Underwater Detonation. This safety zone is necessary to ensure non-authorized personnel and vessels remain safe by keeping clear of the hazardous area during the training activity. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port (COTP) or his designated representative.

DATES: This rule is effective from February 1, 2009 through April 1, 2009.

ADDRESSES: Comments and materials received from the public, as well as documents mentioned in this preamble as being available in the docket are part of docket USCG–2009–0046 and are available online by going to *http://www.regulations.gov,* selecting the Advanced Docket Search option on the right side of the screen, inserting USCG–2009–0046 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. This material is 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 U.S. Coast Guard Sector San Diego, 2710 N. Harbor Dr., San Diego, CA 92101 between 8 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 Petty Officer Kristen Beer, USCG, Waterways Management, U.S. Coast Guard Sector San Diego at (619) 278–7262. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' 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 necessary to ensure the safety of commercial and recreational vehicles in the vicinity of the Naval Underwater Detonation on the dates and times this rule will be in effect and delay would be contrary to the public interest.

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**. Delaying the effective date would be contrary to the public interest, since immediate action is needed to ensure the public's safety. Any delay in the effective date of this rule would expose mariners to the dangers posed by the detonation of underwater explosives.

Background and Purpose

The Officer in Charge (OIC) of the Southern California Offshore Range will be conducting intermittent training involving the detonation of military grade explosives underwater throughout February and March 2009. This safety zone is necessary to ensure non-authorized personnel and vessels remain safe by keeping clear of the hazardous area during the training activity.

Discussion of Rule

The Coast Guard is establishing a safety zone that will be enforced from February 1, 2009 through April 1, 2009. The limits of the safety zone will be the navigable waters of the Northwest Harbor of San Clemente Island bounded by the following coordinates: 33°02′06″ N, 118°35′36″ W; 33°02′00″ N, 118°34′36″ W; thence along San Clemente shoreline to 33°02′06″ N, 118°35′36″ W. This safety zone is necessary to ensure non-authorized personnel and vessels remain safe by keeping clear of the hazardous area during the training activities. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

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 to be so minimal that a full Regulatory Evaluation is unnecessary. This determination is based on the size and location of the safety zone. Recreational vessels will not be allowed to transit through the designated safety zone during the specified times while training is being conducted.

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 will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in a portion of the Northwest Harbor of San Clemente Island from February 1, 2009 through August 1, 2009.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. Vessel traffic can pass safely around the safety zone. Although the safety zone will apply to the harbor, traffic will be allowed to pass through the zone with the permission of the Coast Guard patrol commander. Before the effective period, the Coast Guard will issue a broadcast notice to mariners (BNM) alerts.

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 5100.1 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded 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.

An environmental analysis checklist and a categorical exclusion determination are 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 a new temporary § 165.T11–148 to read as follows:

§ 165.T11–148 Safety Zone; Naval Underwater Detonation; Northwest Harbor, San Clemente Island, CA.

(a) *Location.* The limits of the safety zone will include the navigable waters of the Northwest Harbor of San Clemente Island bounded by the following coordinates: 33°02′06″ N, 118°35′36″ W; 33°02′00″ N, 118°34′36″ W; thence along the coast of San Clemente Island to 33°02′06″ N, 118°35′36″ W.

(b) *Enforcement Period.* This section will be enforced from February 1, 2009 through April 1, 2009. If the training is concluded prior to the scheduled termination time, the COTP will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Definitions.* The following definitions apply to this section: *designated representative,* means any Commissioned, Warrant, or Petty Officers of the Coast Guard, Coast Guard Auxiliary, or local, state, and federal law enforcement vessels who have been authorized to act on the behalf of the COTP; *non-authorized personnel and vessels,* means any civilian boats, fishermen, divers, and swimmers.

(d) *Regulations.* (1) Entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the COTP San Diego or his designated representative.

(2) Non-authorized personnel and vessels requesting permission to transit through the safety zone may request authorization to do so from the COTP San Diego or his designated representative. They may be contacted on VHF–FM Channel 16, or at telephone number (619) 278–7033.

(3) Naval units involved in the exercise are allowed in confines of the established safety zone.

(4) All persons and vessels shall comply with the instructions of the Coast Guard COTP or his designated representative.

(5) Upon being hailed by U.S. Coast Guard or other official personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(6) The Coast Guard may be assisted by other federal, state, or local agencies and the U.S. Navy.

Dated: February 3, 2009.

T.H. Farris,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. E9–3764 Filed 2–20–09; 8:45 am]

BILLING CODE 4910–15–P

POSTAL SERVICE

39 CFR Part 111

New Pricing Eligibility, Intelligent Mail, and Move Update Standards for Domestic Mailing Services and Shipping Services

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is filing a notice of domestic Mailing Services (and selected Shipping Services) price adjustments, effective in May 2009, with the Postal Regulatory Commission. This final rule provides revised eligibility standards related to the new prices in May 2009.

DATES: Effective May 11, 2009.

FOR FURTHER INFORMATION CONTACT: Bill Chatfield, 202–268–7278.

SUPPLEMENTARY INFORMATION: The Postal Service's final rule includes revised eligibility standards directly related to prices established by the USPS® Governors. We are including a new incentive program for Standard Mail® saturation mailers. The final rule also contains modifications regarding the implementation of the full-service Intelligent Mail® option and a revision to Move Update standards. Additional mail classification changes have been proposed and were published in the **Federal Register** on February 6, 2009 (74 FR 6250–6257).

We summarize revisions by shape of mail, and then provide updates to Intelligent Mail and Move Update, followed by changes to the mailing standards in *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®).

Automation Flats

Effective May 2009, we require all automation flats to bear barcodes that include delivery point routing codes, as currently required for automation letters. We announced this change as part of the final rule for implementation of our Intelligent Mail program, but reiterate it here.

Saturation Mail Volume Incentive Program for Standard Mail

The Postal Service implements an incentive program for saturation mailers who increase their saturation Standard Mail letters or flats volume. This increase can result from a growth in total mailed volume or a growth in market coverage within a defined market. Mailers able to demonstrate an increase in Standard Mail saturation mailing volume from the prior year will qualify for a per-piece credit for the incremental volume during the program period.

This program begins May 11, 2009 and ends May 10, 2010. If successful, the program may be extended, on a year-by-year basis. For approved participants, the program provides a per-piece credit, to the participant's specified Centralized Account Payment System (CAPS) account, for the verified, incremental volume exceeding the base volume demonstrated in the previous year (May 11, 2008 to May 10, 2009). Participating mailers must pay postage through a permit imprint advance deposit account at the time of application and must have a functioning CAPS account prior to the close of the program period. Each permit imprint advance deposit account used for the payment of postage for saturation mailings must be established at a postal facility having *PostalOne!*® capability.

Mailers wishing to participate in the Standard Mail saturation mail volume incentive program must submit a letter requesting participation to their District Manager, Business Mail Entry (see the postal locator link of the Postal Explorer® at *http://pe.usps.com* and click on Business Mail Entry for contact information). Those interested in participating must apply between February 11, 2009 and June 11, 2009. Requests must be completed and submitted by an authorized official of the business or nonprofit entity that owns the mail. For the purposes of participation in this program, an entity is defined as the parent organization. Franchisees that are not separate business entities may not apply for the incentive independently of the parent organization. Printers and mailing agents may not request participation on behalf of customers for which they prepare the mail. Participating mailers must be able to demonstrate saturation mailing activity in both the 2007 and 2008 calendar years with a minimum of six saturation mailings in the 2008 calendar year.

Mailers who choose to participate only within a market area, must demonstrate volume growth within a specific USPS sectional center facility (SCF) service area over the program period to qualify for the incentives. For example, a mailer can choose to participate for saturation mail destinating within the Miami FL SCF,

but not include mail destinating within the Ft. Lauderdale FL SCF. In this example, the mailer could qualify for a credit with an increase in saturation volume within the Miami FL SCF independently of fluctuations in volumes destinating in other areas.

Mailers requesting eligibility for a market-specific volume increase must submit mailing documentation electronically to the Postal Service using a USPS-approved method (e.g. Mail.dat) at the time of application and for all mailings during their participation in the program. Mailers selecting this option must demonstrate saturation mail volume to ZIP Codes within the specified SCF(s) in both the 2007 and 2008 calendar years and must demonstrate a minimum of six saturation mailings to the specified SCF(s) in the 2008 calendar year.

Changes for Parcels

Standard Mail Parcels and Not-Flat Machinable Pieces (NFMs)

The Postal Service is revising sections 440 and 705.8 of the DMM to change mail preparation requirements and the pricing structure for Standard Mail machinable and irregular parcels, and NFMs prepared in sacks and pallets.

For commercial mailers, there are new sorting standards to reduce the number of sacks in a mailing and to better align parcel-size mail preparation with mail processing.

We are not changing the price categories for machinable parcels; however, for pieces entered at origin, there will no longer be a 5-digit price. To be eligible for BMC prices when presented at origin, machinable parcels must be palletized and weigh a minimum of 200 pounds per pallet.

For irregular parcels and NFMs, the 5-digit and 5-digit scheme price structure remains the same; however this price is only available with destination entry (DBMC, DSCF, or DDU). Since parcel sorters in our processing plants run SCF schemes rather than individual 3-digit schemes, SCF presort prices replace 3-digit presort prices. SCF presort prices are available only when SCF-sorted parcels are entered at a DSCF or DBMC.

We are renaming the ADC price level as the new BMC price level. Similarly, mixed BMC prices replace mixed ADC prices. When parcels sorted to BMCs are entered at origin, the pieces must be palletized and the pallet must contain a minimum of 200 pounds. To support our realignment of the processing of irregular parcels, we add that category to the preambles for DMM Labeling Lists L601 and L602. We remove references to irregular parcels from Labeling List L009 and eliminate L603 and L604 altogether. Existing Content Identifier Numbers (CINs) for irregular parcels are revised to reflect SCF preparation instead of 3-digit preparation and BMC/ASF and mixed BMC preparation instead of ADC and mixed ADC preparation.

We add a new origin-BMC (intra-BMC turnaround) sortation level for all Standard Mail parcels and NFMs with no minimum number of pieces required. Intra-BMC turnaround pieces are those pieces that destinate in the same BMC that serves the office where the pieces are accepted and verified. For example, referring to labeling list L601, BMC Springfield serves ZIP Codes 010–067, 120–123, 128, and 129. Mailers entering pieces at the Northampton MA Post Office (ZIP Code 01060, which is served by the Springfield BMC) must separately sort pieces to ZIP Code ranges 010–067, 120–123, 128, 129, which are within the service area of the Springfield BMC. These pieces are the origin-BMC pieces, also known as intra-BMC turnaround pieces. Mailers use L601 to make this determination. All other residual pieces are sorted as mixed BMC pieces. In summary, mailers with origin-entered mailings must separate intra-BMC turnaround pieces from mixed BMC pieces.

The option to combine certain categories of Standard Mail parcels and Package Services and Parcel Select® parcels in the same mailing remains, but is modified to require minimum 200 pound pallets when Standard Mail parcels are combined with Parcel Select BMC parcels.

Parcel Post and Parcel Select

The new structure for Parcel Post® merges the Intra-BMC and Inter-BMC prices to create a single price (at each weight level) in each zone. This is the same structure that applies to Priority Mail®, and our competitors' prices, and will make price comparisons easier for retail customers. In the new, merged structure, the price for the Local zone is combined with the Zones 1 and 2 prices. We further simplify Parcel Post by eliminating the separate nonmachinable surcharge.

Parcel Select prices for Origin BMC Presort, BMC Presort, and Barcoded Inter-BMC and Barcoded Intra-BMC did not change in January 2009. These prices are calculated based on Parcel Post. Accordingly, these prices are revised concurrently with the price change effective on May 11, 2009. As a result, prices for the overall Parcel Select product increase by an additional one-half of one percent. The nonpresort categories (Barcoded Inter-BMC and Intra-BMC) are merged into one category, Barcoded Nonpresort. We have not made any changes to Parcel Select Destination Entry prices.

Changes for Confirm Service

The Confirm® pricing structure is changing. We add a lower-priced Bronze subscription level for mail owners. Two separate price points for the Gold and Platinum subscription levels are added to distinguish between a mail owner and a mailing agent. The Bronze and Silver subscription levels will be available only to mail owners.

A *mail owner* is the business entity (or individual) who makes business decisions regarding the mailpiece content, directly benefits from the mailing, and ultimately pays for postage on the mailpiece. A *mailing agent* is a business entity acting on behalf of one or more mail owners by providing mailing services for which the mail owners compensate the mailing agent. Mailing agents include, but are not limited to: Printer; letter shop; address list provider/manager; mail preparer; postage payment provider; mailing logistics provider; mailing tracking provider; and mailing information manager. A business entity whose services define it as a mailing agent may subscribe as a mail owner, but only for its own mail or the mail of its corporate partners or subsidiaries. A business entity who subscribes as a mail owner under these conditions may separately subscribe as a mailing agent.

Also, the Confirm-based Preshipment Notification, i.e., Electronic Mailing Data (EMD) files and Entry Scans, including the process for accepting EMD files and distributing Entry Scans is eliminated. Customers previously submitted EMD files to receive entry scans at the point of mail induction. However, this process was not fully integrated with mail entry procedures and systems, and was not a robust enough system for piece-level data summarization. This reduced the potential validity of a Confirm Entry Scan as an accurate ''start-the-clock'' for service measurement, diagnostics, and customer support purposes. The only valid start-the-clock will be from participation in the Intelligent Mail full-service option, which is scheduled to launch in May.

Personalized Stamped Envelopes

We are offering premium options for personalized stamped envelopes. The premium options include: Pressure-sensitive sealing; 10-point or 12-point font size; and a choice of font style and font color.

Updates for Full-Service Intelligent Mail

The **Federal Register** final rule, published on April 30, 2008, (Volume 73, Number 84, pages 23398–23403), did not include carrier route flats as eligible for full-service Intelligent Mail prices or benefits. We now include some carrier route flats in the full-service option. We provide free start-the-clock information in May 2009 and separate prices in November 2009 for Periodicals, Bound Printed Matter, and Standard Mail carrier route flats (except Standard Mail saturation flats) meeting all full-service requirements. We also provide address information benefits for Periodicals letters and flats meeting all full-service requirements in May 2009.

We are delaying the requirement for all full-service Intelligent Mail mailings to affix pallet placards on the outside of the shrinkwrap from May 2009 until November 2009.

We are also modifying standards that require pink pallet placards for full-service Periodicals mailings to allow a pink identification bar instead of a completely pink background. Although we prefer pallet placards on pink stock, the pink line should provide sufficient visual validation of the class of mail. The DMM changes are effective in May 2009, but mailers who are preparing mailings with Intelligent Mail container placards may use either option immediately.

Move Update Implementation Updates

The Move Update standards effective November 2008 did not include separate prices for mailings that do not meet the new standards. Since Move Update standards apply to presorted, automation, and carrier route mailings, without the establishment of new prices, the proper price for noncompliant mailings is First-Class Mail single-piece regardless of the class of mail originally claimed. Effective May 11, 2009, we are establishing a charge for Standard Mail mailings not meeting Move Update standards of $0.07 per piece in addition to the applicable Standard Mail postage.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations*. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

■ Accordingly, 39 CFR Part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

100 Retail Mail Letters, Cards, Flats, and Parcels

101 Physical Standards

* * * * *

7.0 Additional Physical Standards for Parcel Post

* * * * *

[Delete 7.2, Nonmachinable Parcel Post Standards in its entirety].

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110 Express Mail

113 Prices and Eligibility

1.0 Express Mail Prices and Fees

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1.6 Pickup on Demand

1.6.1 Pickup on Demand Fee

[Revise the first sentence of 1.6.1 by changing the price as follows:]

Per occurrence: $15.30. * * *

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120 Priority Mail

123 Prices and Eligibility

1.0 Priority Mail Prices and Fees

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1.2 Prices

Exhibit 1.2 Priority Mail Prices—Retail

[Revise footnote 3 of Exhibit 1.2 by changing the price as follows:]

* * * * *

3. For keys and ID devices that weigh:

- Up to 13 ounces, refer to retail First-Class Mail parcel prices.
- More than 13 ounces but not more than 1 pound, $5.69.
- More than 1 pound but not more than 2 pounds, $6.49.

* * * * *

1.6 Prices for Keys and Identification Devices

[Revise table and footnote 1 by changing prices.]

Weight not over (pounds)	Price [1]
1 pound	$5.69
2 pounds [2]	6.49

[1] Prices shown include $0.74 fee.

* * * * *

1.8 Pickup on Demand Fee

[Revise the first sentence of 1.8 by changing the price as follows:]

Per occurrence: $15.30. * * *

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130 First-Class Mail

133 Prices and Eligibility

1.0 First-Class Mail Prices and Fees

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1.4 Prices for Letters and Cards

[Revise table by changing the prices as follows:]

Weight not over (ounces)	Single-piece [1]
1	$0.44
2	0.61
3	0.78
3.5 [2]	0.95
Postcard [3]	0.28

* * * * *

1.5 Prices for Flats

[Revise table by changing the prices as follows:]

Weight not over (ounces) [1]	Single-piece
1	$0.88
2	1.05
3	1.22
4	1.39
5	1.56
6	1.73
7	1.90
8	2.07
9	2.24
10	2.41
11	2.58
12	2.75
13	2.92

* * * * *

1.6 Prices for Parcels

[Revise table and footnote 1 by changing the prices.]

Weight not over (ounces) [1]	Single-piece
1	$1.22
2	1.39
3	1.56
4	1.73
5	1.90
6	2.07
7	2.24
8	2.41

Weight not over (ounces) [1]	Single-piece
9	2.58
10	2.75
11	2.92
12	3.09
13	3.26

[1] For keys and ID devices, add $0.74.

If more than 13 ounces, see retail Priority Mail prices.

* * * * *

1.8 Prices for Keys and Identification Devices

[Revise table and footnote 1 by changing the prices.]

Weight not over (ounces)	Price [1]
1	$1.96
2	2.13
3	2.30
4	2.47
5	2.64
6	2.81
7	2.98
8	3.15
9	3.32
10	3.49
11	3.66
12	3.83
13	4.00
1 pound	5.69
2 pounds	6.49

[1] Prices shown include $0.74 fee.

150 Parcel Post

153 Prices and Eligibility

1.0 Parcel Post Prices and Fees

1.1 Price Eligibility

[Revise introductory text of 1.1 to eliminate reference to Intra/Inter price categories to read as follows:]

Parcel Post prices are calculated based on the zone to which the parcel is addressed and the weight of the parcel. Requirements for Parcel Post prices are as follows:

[Delete current items a and b of 1.1 in their entirety and re-letter current c and d as new a and b.]

* * * * *

[Delete Exhibit 1.1 BMC/ASF Service Areas in its entirety.]

* * * * *

1.5 Computing Postage—Parcel Post With Postage Affixed

[Revise text of 1.5 to eliminate reference to surcharge and links to Parcel Post Prices and Fees to read as follows:]

For each piece, affix the postage for the weight increment and the zone to which the piece is addressed.

1.6 Pickup on Demand Fees

[Revise the first sentence of 1.6 by changing the price as follows:]

Parcel Post only, per occurrence: $15.30. * * *

[Delete 1.7 through 1.12 in their entirety.]

[Insert new 1.7, Prices, and new Exhibit 1.7, Parcel Post Prices, as follows:]

1.7 Prices

Parcel Post prices are calculated based on the zone to which the parcel is addressed, and the weight of the parcel (see Exhibit 1.7).

EXHIBIT 1.7—PARCEL POST PRICES

Weight not over (pounds)	Zone [1]						
	Zones 1 & 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
1	4.90	4.90	4.90	4.90	4.90	4.90	4.90
2	4.90	5.15	5.70	7.02	7.33	7.62	8.09
3	5.45	6.20	7.05	8.18	8.85	9.27	9.92
4	6.05	7.05	7.94	9.20	10.05	10.66	11.57
5	6.80	8.10	9.02	10.05	10.78	11.37	12.34
6	7.50	9.20	9.94	10.94	11.45	12.02	13.03
7	8.25	10.00	10.49	11.80	12.36	13.01	14.15
8	8.56	10.34	10.86	12.17	12.96	13.74	15.03
9	8.87	10.69	11.24	12.55	13.56	14.47	15.90
10	9.18	11.03	11.61	12.92	14.16	15.21	16.77
11	9.49	11.38	11.99	13.29	14.76	15.94	17.65
12	9.80	11.72	12.36	13.66	15.36	16.67	18.52
13	10.11	12.06	12.74	14.03	15.96	17.40	19.39
14	10.42	12.41	13.11	14.40	16.56	18.13	20.27
15	10.73	12.75	13.49	14.77	17.16	18.86	21.14
16	11.04	13.10	13.87	15.14	17.76	19.59	22.01
17	11.34	13.44	14.24	15.51	18.36	20.33	22.89
18	11.65	13.79	14.60	15.99	18.96	21.06	23.76
19	11.96	14.13	14.95	16.47	19.56	21.79	24.64
20	12.27	14.48	15.30	16.94	20.16	22.52	25.51
21	12.58	14.82	15.66	17.42	20.76	23.25	26.38
22	12.89	15.17	16.01	17.89	21.36	23.98	27.26
23	13.20	15.51	16.37	18.37	21.96	24.71	28.13
24	13.51	15.86	16.72	18.84	22.56	25.45	29.00
25	13.82	16.20	17.07	19.32	23.16	26.18	29.88
26	14.13	16.55	17.43	19.80	23.76	26.91	30.75
27	14.44	16.89	17.78	20.27	24.36	27.64	31.63
28	14.75	17.24	18.14	20.75	24.96	28.37	32.50
29	15.06	17.58	18.49	21.22	25.56	29.10	33.37
30	15.37	17.93	18.85	21.70	26.16	29.83	34.25
31	15.68	18.27	19.20	22.17	26.76	30.57	35.12
32	15.99	18.62	19.55	22.65	27.37	31.30	35.99
33	16.30	18.96	19.91	23.13	27.97	32.03	36.87
34	16.61	19.31	20.26	23.60	28.57	32.76	37.74
35	16.92	19.65	20.62	24.08	29.17	33.49	38.61
36	17.07	20.00	20.97	24.55	29.77	34.22	39.49

EXHIBIT 1.7—PARCEL POST PRICES—Continued

Weight not over (pounds)	Zone [1]						
	Zones 1 & 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
37	17.23	20.34	21.33	25.03	30.37	34.95	40.36
38	17.39	20.68	21.68	25.50	30.97	35.69	41.24
39	17.54	21.03	22.03	25.98	31.57	36.42	42.11
40	17.70	21.37	22.39	26.46	32.17	37.15	42.98
41	17.85	21.72	22.74	26.93	32.77	37.88	43.86
42	18.01	22.06	23.10	27.41	33.37	38.61	44.73
43	18.17	22.23	23.45	27.88	33.97	39.34	45.60
44	18.32	22.40	23.81	28.36	34.57	40.07	46.48
45	18.48	22.57	24.16	28.83	35.17	40.81	47.35
46	18.64	22.74	24.51	29.31	35.77	41.54	48.23
47	18.79	22.91	24.87	29.79	36.37	42.27	49.10
48	18.95	23.08	25.22	30.26	36.97	43.00	49.97
49	19.11	23.25	25.58	30.74	37.57	43.73	50.85
50	19.26	23.42	25.93	31.21	38.17	44.46	51.72
51	19.42	23.59	26.29	31.69	38.77	45.19	52.59
52	19.58	23.76	26.64	32.16	39.37	45.93	53.47
53	19.73	23.93	26.99	32.64	39.97	46.66	54.34
54	19.89	24.10	27.35	33.12	40.57	47.39	55.21
55	20.05	24.27	27.70	33.59	41.17	48.12	56.09
56	20.20	24.44	28.06	34.07	41.77	48.85	56.96
57	20.36	24.61	28.41	34.54	42.37	49.58	57.84
58	20.51	24.78	28.77	35.02	42.97	50.31	58.71
59	20.67	24.95	29.12	35.50	43.57	51.05	59.58
60	20.83	25.12	29.47	35.97	44.17	51.78	60.46
61	20.98	25.29	29.83	36.45	44.77	52.51	61.33
62	21.14	25.46	30.18	36.92	45.37	53.24	62.20
63	21.30	25.63	30.54	37.40	45.97	53.97	63.08
64	21.45	25.80	30.89	37.87	46.57	54.70	63.95
65	21.61	25.97	31.24	38.35	47.17	55.43	64.83
66	21.77	26.14	31.60	38.83	47.77	56.17	65.70
67	21.92	26.31	31.95	39.30	48.37	56.90	66.57
68	22.08	26.48	32.31	39.78	48.97	57.63	67.45
69	22.24	26.65	32.66	40.25	49.57	58.36	68.32
70	22.39	26.82	33.02	40.73	50.17	59.09	69.19
Oversized	61.80	64.65	65.94	67.89	90.92	96.82	107.16

[1] Parcels that measure in combined length and girth:
- More than 84 inches but not more than 108 inches, and the piece weighs less than 20 pounds, use 20-pound price (balloon price).
- More than 108 inches but not more than 130 inches use oversized prices regardless of weight.

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156 Deposit

1.0 Deposit for Parcel Post

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1.3 Redirected Mailings

A mailer who presents large mailings of zoned Parcel Post mail may be authorized or directed to deposit such mailings at another postal facility when processing or logistics make such an alternative desirable for the USPS, subject to these conditions:

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[Delete item 1.3c in its entirety.]

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170 Media Mail

173 Prices and Eligibility

1.0 Media Mail Prices and Fees

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1.5 Media Mail Prices

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[Revise Exhibit 1.5 by changing the prices as follows:]

EXHIBIT 1.5 MEDIA MAIL PRICES

Weight not over (pounds)	Single-piece
1	$2.38
2	2.77
3	3.16
4	3.55
5	3.94
6	4.33
7	4.72
8	5.11
9	5.50
10	5.89
11	6.28
12	6.67
13	7.06
14	7.45
15	7.84
16	8.23
17	8.62
18	9.01
19	9.40
20	9.79
21	10.18

EXHIBIT 1.5 MEDIA MAIL PRICES—Continued

Weight not over (pounds)	Single-piece
22	10.57
23	10.96
24	11.35
25	11.74
26	12.13
27	12.52
28	12.91
29	13.30
30	13.69
31	14.08
32	14.47
33	14.86
34	15.25
35	15.64
36	16.03
37	16.42
38	16.81
39	17.20
40	17.59
41	17.98
42	18.37
43	18.76
44	19.15

EXHIBIT 1.5 MEDIA MAIL PRICES—Continued

Weight not over (pounds)	Single-piece
45	19.54
46	19.93
47	20.32
48	20.71
49	21.10
50	21.49
51	21.88
52	22.27
53	22.66
54	23.05
55	23.44
56	23.83
57	24.22
58	24.61
59	25.00
60	25.39
61	25.78
62	26.17
63	26.56
64	26.95
65	27.34
66	27.73
67	28.12
68	28.51
69	28.90
70	29.29

* * * * *

180 Library Mail

183 Prices and Eligibility

1.0 Library Mail Prices and Fees

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1.5 Library Mail Prices

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[Revise Exhibit 1.5 by changing the prices as follows:]

EXHIBIT 1.5—LIBRARY MAIL PRICES

Weight not over (pounds)	Single-piece
1	$2.26
2	2.63
3	3.00
4	3.37
5	3.74
6	4.11
7	4.48
8	4.85
9	5.22
10	5.59
11	5.96
12	6.33
13	6.70
14	7.07
15	7.44
16	7.81
17	8.18
18	8.55
19	8.92
20	9.29
21	9.66
22	10.03
23	10.40
24	10.77

EXHIBIT 1.5—LIBRARY MAIL PRICES—Continued

Weight not over (pounds)	Single-piece
25	11.14
26	11.51
27	11.88
28	12.25
29	12.62
30	12.99
31	13.36
32	13.73
33	14.10
34	14.47
35	14.84
36	15.21
37	15.58
38	15.95
39	16.32
40	16.69
41	17.06
42	17.43
43	17.80
44	18.17
45	18.54
46	18.91
47	19.28
48	19.65
49	20.02
50	20.39
51	20.76
52	21.13
53	21.50
54	21.87
55	22.24
56	22.61
57	22.98
58	23.35
59	23.72
60	24.09
61	24.46
62	24.83
63	25.20
64	25.57
65	25.94
66	26.31
67	26.68
68	27.05
69	27.42
70	27.79

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200 Commercial Mail Letters and Cards

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230 First-Class Mail

233 Prices and Eligibility

1.0 Prices and Fees for First-Class Mail

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1.3 Presorted and Automation Prices for Cards and Letters

[Delete price chart in its entirety and add text as follows:]

For prices, see *Price List*—Notice 123.

* * * * *

1.5 Presort Mailing Fee

[Revise fee of 1.5 as follows:]

Presort mailing fee, per 12-month period, per office of mailing: $185.00.

* * * * *

240 Standard Mail

243 Prices and Eligibility

1.0 Prices and Fees for Standard Mail

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1.3 Regular Standard Mail—ECR and Automation Prices

[Delete 1.3 price chart in its entirety and add text as follows:]

For prices, see *Price List*—Notice 123.

1.4 Regular Standard Mail—Nonautomation Prices

[Delete 1.4 price chart in its entirety and add text as follows:]

For prices, see *Price List*—Notice 123.

1.5 Nonprofit Standard Mail—ECR and Automation Prices

[Delete 1.5 price chart in its entirety and add text as follows:]

For prices, see *Price List*—Notice 123.

1.6 Nonprofit Standard Mail—Nonautomation Prices

[Delete 1.6 price chart in its entirety and add text as follows:]

For prices, see *Price List*—Notice 123.

1.7 Fees

1.7.1 Presort Mailing Fee

[Revise fee of 1.7.1 as follows:]

Mailing fee, per 12-month period: $185.00.

1.7.2 Weighted Fee

For return of pieces bearing the ancillary service markings ''Address Service Requested'' and ''Forwarding Service Requested.''

[Revise prices in 1.7.2 Weighted Fee chart as follows:]

WEIGHTED FEE

Single piece weight not over (ounces)	Weighted fee per piece [1]
Card Price	$ 0.70
1	1.09
2	1.51
3	1.93
3.5	2.35

[1] Weighted fee equals single-piece First-Class Mail price (plus the nonmachinable surcharge, if applicable) multiplied by 2.472.

* * * * *

[Add new item 1.9 to introduce saturation mail volume incentive pricing as follows:]

1.9 Saturation Mail Volume Incentive Program

1.9.1 Basic Program Eligibility

Mailers of Regular and Nonprofit Standard Mail saturation letters under 243.6.5 that demonstrate a verified increase in mailing volume from the prior year (May 11, 2008 to May 10, 2009), qualify for a per-piece credit to postage paid on the incremental volume, recorded during the established program period, under the following conditions:

a. Qualifying mailers may request a credit to the postage paid on the incremental saturation mailing volume under either of the following conditions:

1. Based on an overall increase in the mailer's total saturation mailing volume.

2. Based on an increase in the volume of saturation mailpieces destinating to ZIP Codes within a specific sectional center facility (SCF) (or group of SCFs) identified by the mailer.

b. Mailers must be able to demonstrate saturation mail volume in both the 2007 and 2008 calendar years. Mailers applying for a credit to the postage paid on saturation mailpieces within a specific SCF must be able to demonstrate saturation mail volume to ZIP Codes within the specified SCF in both the 2007 and 2008 calendar years.

c. Mailers must be able to demonstrate a minimum of six saturation mailings (or six saturation mailings to a specified SCF) in the 2008 calendar year.

d. Mailers must pay saturation postage through a permit imprint advance deposit account at the time of application and must have a functioning Centralized Account Payment System (CAPS) account prior to the close of the program period.

e. Each permit imprint advance deposit account used for the payment of postage for saturation mailings must be established at a Postal facility having *PostalOne!* capability.

f. Mailers presenting saturation mailpieces within a Negotiated Service Agreement (NSA) or through another Postal Service-sponsored incentive program are not eligible for the saturation mail volume incentive program.

g. Letter-size mailpieces that are not automation-compatible or not barcoded and are mailed at flat-size saturation prices are not eligible for the saturation mail volume incentive program.

1.9.2 Application

Mailers wishing to participate in the saturation mail volume incentive program must submit a letter requesting participation to their district Manager, Business Mail Entry (see the postal locator link on Postal Explorer at *http://pe.usps.com* for contact information).

a. Mailers must specify their intent to apply for consideration for an overall volume increase under 1.9.1.a1, or for a volume increase to a specific SCF (or group of SCFs) under 1.9.1.a2.

b. Applications must include historical mailing activity demonstrating eligibility for the program as specified under 1.9.1.

c. Applications must specify the mailer's Permit Imprint advance deposit account(s) and Centralized Account Payment System (CAPS) account(s) number(s). Mailers applying for CAPS accounts within the program period must provide their CAPS account number to their district Manager, Business Mail Entry before the end of program period.

d. Applications may be submitted after February 11, 2009, and must be received by the district Manager, Business Mail Entry no later than June 11, 2009.

e. Applications must be completed and submitted by an official of the business or nonprofit entity that owns the mail. For the purposes of participation in this program, an entity that owns the mail is defined as the parent organization. Franchisees that are not separate business entities may not apply for the incentive independently of the parent organization. Printers and mailing agents may not apply for external entities for which they prepare the mail.

1.9.3 Additional Eligibility Standards

Mailers requesting eligibility for a volume increase to a specific SCF (or group of SCFs) under 1.9.1.a2 must submit mailing documentation electronically to the Postal Service using an approved method (e.g. Mail.dat) at the time of application and for the duration of their participation in the program.

1.9.4 Saturation Mail Volume Incentive Credits

Approved program participants demonstrating an increase in saturation mail volume under 1.9 qualify for a per-piece credit to the postage paid on the incremental volume, recorded during the established program period as follows:

a. Standard Mail saturation letters: $0.037 per piece.

b. Nonprofit Standard Mail saturation letters: $0.022 per piece.

1.9.5 Incentive Program Period

The program period is annual and begins May 11, 2009. Approved participants demonstrating an increase in saturation mail volume in accordance with 1.9.0 and otherwise in compliance with the terms of this program, receive a credit to their specified CAPS account after the close of the annual program period.

* * * * *

3.0 Basic Standards for Standard Mail Letters

* * * * *

3.9 Move Update Standard

3.9.1 Basic Standards

[Revise 3.9.1 by inserting a new third and fourth sentence into the introductory text and inserting a new postage adjustment charge as follows:]

* * * Except for mail bearing an alternative address format, addresses used on pieces claiming Standard Mail prices must meet the Move Update standard. When a mailing is determined by the USPS to not be in compliance with the Move Update standard, each piece in the mailing will be subject to a postage adjustment charge of $0.07 per piece. Addresses subject to the Move Update standard must meet these requirements:

[Delete item d of 3.9.1 in its entirety.]

* * * * *

300 Commercial Mail Flats

* * * * *

330 First-Class Mail

333 Prices and Eligibility

* * * * *

1.3 Presorted and Automation Prices for Flats

[Delete 1.3 price chart in its entirety and add text as follows:]

For prices, see *Price List*—Notice 123.

1.4 Presort Mailing Fee

[Revise fee of 1.4 as follows:]

Presort mailing fee, per 12-month period, per office of mailing: $185.00.

* * * * *

5.0 Additional Eligibility Standards for Automation Price First-Class Mail Flats

5.1 Basic Standards for Automation First-Class Mail

All pieces in a First-Class Mail automation mailing must:

* * * * *

[Revise item e of 5.1 to require a delivery point barcode as follows:]

e. Bear an accurate delivery point POSTNET barcode or Intelligent Mail barcode encoded with the correct delivery point routing code, matching the delivery address and meeting the

standards in 302.4.0, and 708.4.0, either on the piece or on an insert showing through a barcode window.

* * * * *

340 Standard Mail

343 Prices and Eligibility

1.0 Prices and Fees for Standard Mail

* * * * *

1.3 Regular Standard Mail—Presorted, Enhanced Carrier Route, and Automation Prices

[Delete 1.3 price chart in its entirety and add text as follows:]

For prices, see *Price List*—Notice 123.

1.4 Nonprofit Standard Mail—Presorted, Enhanced Carrier Route, and Automation Prices

[Delete 1.4 price chart in its entirety and add text as follows:]

For prices, see *Price List*—Notice 123.

1.5 Fees

1.5.1 Presort Mailing Fee

[Revise fee of 1.5.1 as follows:]

Mailing fee, per 12-month period: $185.00.

1.5.2 Weighted Fee

For return of pieces bearing the ancillary service markings ''Address Service Requested'' and ''Forwarding Service Requested.''

[Revise fees in 1.5.2 Weighted Fee chart as follows:]

WEIGHTED FEE

Single piece weight not over (ounces)	Weighted fee per piece [1]
1	$2.18
2	2.60
3	3.02
4	3.44
5	3.86
6	4.28
7	4.70
8	5.12
9	5.54
10	5.96
11	6.38
12	6.80
13	7.22
Over 13 but under 16	12.24

[1] Weighted fee equals single-piece First-Class Mail or Priority Mail price multiplied by 2.472.

* * * * *

[Add new item 1.7 to introduce saturation mail volume incentive rebates as follows:]

1.7 Saturation Mail Volume Incentive Program

1.7.1 Basic Eligibility

Mailers of Regular and Nonprofit Standard Mail flats under 343.6.5 that demonstrate a verified increase in mailing volume from the prior year (May 11, 2008 to May 10, 2009) qualify for a per-piece credit to postage paid on the incremental volume, recorded during the established program period, under the following conditions:

a. Qualifying mailers may apply for a credit to the postage paid on the incremental saturation mailing volume under either of the following conditions:

1. Based on an overall increase in the mailer's total saturation mailing volume.

2. Based on an increase in the volume of saturation mailpieces destinating to ZIP Codes within a specific sectional center facility (SCF) (or group of SCFs) identified by the mailer.

b. Mailers must be able to demonstrate saturation mail volume in both the 2007 and 2008 calendar years. Mailers requesting a credit to the postage paid on saturation mailpieces within a specific SCF must be able to demonstrate saturation mail volume to ZIP Codes within the specified SCF in both the 2007 and 2008 calendar years.

c. Mailers must be able to demonstrate a minimum of six saturation mailings (or six saturation mailings to a specified SCF) in the 2008 calendar year.

d. Mailers must pay saturation postage through a permit imprint advance deposit account at the time of application and must have a functioning Centralized Account Payment System (CAPS) account prior to the close of the program period.

e. Each permit imprint advance deposit account used for the payment of postage for saturation mailings must be established at a Postal facility having *PostalOne!* capability.

f. Mailers presenting saturation mailpieces within a Negotiated Service Agreement (NSA) or through another Postal Service-sponsored incentive program are not eligible for the saturation mail volume incentive program.

1.7.2 Application

Mailers wishing to participate in the saturation mail volume incentive program must submit a letter requesting participation to their district Manager, Business Mail Entry (see the postal locator link on the Postal Explorer at *http://pe.usps.com* for contact information).

a. Mailers must specify their intent to apply for consideration for an overall volume increase under 1.7.1.a1, or for a volume increase to a specific SCF (or group of SCFs) under 1.7.1.a2.

b. Applications must include historical mailing activity demonstrating eligibility for the program as specified under 1.7.1.

c. Applications must specify the mailer's Permit Imprint advance deposit account(s) and Centralized Account Payment System (CAPS) account(s) number(s). Mailers applying for CAPS accounts within the program period must provide their CAPS account number to their district Manager, Business Mail Entry before the end of program period.

d. Applications may be submitted after February 11, 2009 and must be received by the District Manager, Business Mail Entry no later than June 11, 2009.

e. Applications must be completed and submitted by an official of the business or nonprofit entity that owns the mail. For the purposes of participation in this program, an entity that owns the mail is defined as the parent organization. Franchisees that are not separate business entities may not apply for the incentive independently of the parent organization. Printers and mailing agents may not apply for external entities for which they prepare the mail.

1.7.3 Additional Eligibility Standards

Mailers requesting eligibility for a volume increase to a specific SCF (or group of SCFs) under 1.7.1.a2 must submit mailing documentation electronically to the Postal Service using an approved method (e.g. Mail.dat) at the time of application and for the duration of their participation in the program.

1.7.4 Saturation Mail Volume Incentive Credits

Approved program participants demonstrating an increase in saturation mail volume, within the area selected and approved under 1.7.1.a, qualify for a per-piece credit to the postage paid on the incremental volume, recorded during the established program period as follows:

a. Standard Mail saturation flats $0.04 per piece.

b. Nonprofit Standard Mail saturation flats $0.024 per piece.

1.7.5 Incentive Program Period

The program period is annual and begins on May 11, 2009. Approved participants demonstrating an increase in saturation mail volume in accordance with 1.7.0 and otherwise in compliance with the terms of this program, receive a credit to their specified CAPS account

after the close of the annual program period.

* * * * *

3.0 Basic Standards for Standard Mail Flats

* * * * *

3.9 Move Update Standard

3.9.1 Basic Standards

[Revise item 3.9.1 by inserting a new third and fourth sentence into the introductory text, and incorporating a postage adjustment charge as follows:]

* * * Except for mail bearing an alternative address format, addresses used on pieces claiming Standard Mail prices must meet the Move Update standard. When a mailing is determined by the USPS to not be in compliance with the Move Update standard, each piece in the mailing will be subject to a postage adjustment charge of $0.07 per piece. Addresses subject to the Move Update standard must meet these requirements:

* * * * *

[Delete item d of 3.9.1 in its entirety.]

* * * * *

6.0 Additional Eligibility Standards for Enhanced Carrier Route Standard Mail Flats

6.1 General Enhanced Carrier Route Standards

* * * * *

[Add new item 6.1.3 as follows:]

6.1.3 Full-Service Intelligent Mail Eligibility Standards

In addition to other requirements in 6.0, flats eligible for full-service Intelligent Mail prices (in November 2009) must:

a. Be flat-size under 301.1.0.

b. Be part of a basic carrier route or high-density carrier route mailing under 6.3 or 6.4.

c. Bear an accurate Intelligent Mail barcode encoded with the correct delivery point routing code matching the delivery address and meeting the standards in 302.4.0, and 708.4.0. Flats with Intelligent Mail barcodes entered under the full-service automation option also must be part of mailings that meet the standards in 705.22.

* * * * *

[Revise heading of 7.0 as follows:]

7.0 Additional Eligibility Standards for Automation Standard Mail Flats

[Revise heading of 7.1 as follows:]

7.1 Basic Eligibility Standards for Automation Standard Mail

All pieces in a Regular Standard Mail or Nonprofit Standard Mail automation mailing must:

* * * * *

[Revise item e to require a delivery point barcode as follows:]

e. Bear an accurate delivery point POSTNET barcode or Intelligent Mail barcode encoded with the correct delivery point routing code, matching the delivery address and meeting the standards in 302.4.0, and 708.4.0, either on the piece or on an insert showing through a barcode window.

* * * * *

360 Bound Printed Matter Flats

363 Prices and Eligibility

1.0 Prices and Fees for Bound Printed Matter

1.1 Nonpresorted Bound Printed Matter

* * * * *

1.1.4 Barcoded Discount-Flats

[Revise 363.1.1.4 to require BPM claiming a barcode discount price to be automation-compatible and bear a delivery point barcode as follows:]

The barcoded discount applies only to BPM flat-size pieces that meet the requirements for automation compatibility in 301.3.0 and bear a delivery point POSTNET barcode or Intelligent Mail barcode encoded with the correct delivery point routing code, matching the delivery address and meeting the standards in 302.4.0 and 708.4.0. The pieces must be part of a nonpresorted mailing of 50 or more flat-size pieces.

1.1.5 Bound Printed Matter-Nonpresorted

[Add a new first sentence to 1.1.5 as follows:]

For prices, see *Price List*—Notice 123. * * *

[Delete Exhibit 1.1.5, Bound Printed Matter Nonpresorted Prices, in its entirety.]

* * * * *

1.2 Commercial Bound Printed Matter

Apply the prices, fees and discounts for commercial Bound Printed Matter as follows:

1.2.1 Prices

[Add a new last sentence as follows:]

* * * For prices, see *Price List*—Notice 123.

* * * * *

[Delete Exhibit 1.2.5, Bound Printed Matter Presorted, Carrier Route, and Destination Entry Prices, in its entirety.]

* * * * *

1.2.6 Destination Entry Mailing Fee

[Revise fee of 1.2.6. as follows:]

Destination entry mailing fees for Bound Printed Matter, per 12-month period: $185.00.

* * * * *

4.0 Price Eligibility for Bound Printed Matter Flats

4.1 Price Eligibility

* * * Price categories are as follows:

* * * * *

[Revise item d of 363.4.1 to require BPM claiming a barcode discount price to be automation-compatible and bear a delivery point barcode as follows:]

d. Barcoded Discount—Flats. The barcoded discount applies only to BPM flat-size pieces that meet the requirements for automation compatibility in 301.3.0 and bear an accurate delivery point POSTNET barcode or Intelligent Mail barcode encoded with the correct delivery point routing code, matching the delivery address and meeting the standards in 302.4.0 and 708.4.0. The pieces must be part of a nonpresorted mailing of 50 or more flat-size pieces or part of a presort mailing of at least 300 BPM flat-size pieces prepared under 705.8.0, and 365.7.0. The barcoded discount is not available for flat-size pieces mailed at Presorted DDU prices or carrier route prices.

* * * * *

5.0 Additional Eligibility Standards for Presorted and Carrier Route Bound Printed Matter Flats

* * * * *

[Renumber current item 5.3 as new 5.4 and add new 5.3 as follows:]

5.3 Full-Service Intelligent Mail Eligibility Standards for Carrier Route Flats

In addition to other requirements in 5.0, BPM flats eligible for full-service Intelligent Mail prices (in November 2009) must:

a. Be flat-size under 301.1.0.

b. Be part of a carrier route mailing that is not a saturation mailing.

c. Bear an accurate Intelligent Mail barcode encoded with the correct delivery point routing code matching the delivery address and meeting the standards in 302.4.0, and 708.4.0. Flats with Intelligent Mail barcodes entered under the full-service automation option

also must be part of mailings that meet the standards in 705.22.

* * * * *

6.0 Additional Eligibility Standards for Barcoded Bound Printed Matter Flats

6.1 Basic Eligibility Standards for Barcoded Bound Printed Matter

[Revise 6.1 by revising the first sentence as follows:]

The barcode discount applies only to BPM flat-size pieces that bear a delivery point POSTNET barcode or an Intelligent Mail barcode encoded with the correct delivery point routing code, matching the delivery address and meeting the standards in 302.4.0 and 708.4.0. * * *

* * * * *

370 Media Mail Flats

373 Prices and Eligibility

1.0 Prices and Fees for Media Mail

* * * * *

1.4 Media Mail Presorted Prices

[Delete 1.4 price chart in its entirety and add new text as follows:]

For prices, see *Price List*—Notice 123.

1.5 Mailing Fee

[Revise the last sentence of 1.5 by changing the fee as follows:]

* * * Presort mailing fees for Media Mail, per 12-month period: $185.00.

* * * * *

380 Library Mail

383 Prices and Eligibility

1.0 Prices and Fees for Library Mail

* * * * *

1.4 Library Mail Presorted Prices

[Delete 1.4 price chart in its entirety and add new text as follows:]

For prices, see *Price List*—Notice 123.

1.5 Mailing Fee

[Revise the last sentence by changing the fee as follows:]

* * * Presort mailing fees for Library Mail, per 12-month period: $185.00.

* * * * *

400 Commercial Mail Parcels

401 Physical Standards

* * * * *

2.0 Additional Physical Standards by Class of Mail

* * * * *

2.3 Parcel Select

* * * * *

2.3.2 Nonmachinable Parcel Select

[Revise introductory text of 2.3.2 as follows:]

Mailpieces sent at Parcel Select Destination Entry prices are subject to the applicable nonmachinable surcharge in 453.1.0 unless the special handling fee is paid. There is no nonmachinable surcharge for Parcel Select BMC Presort, OBMC Presort, and Barcoded Nonpresort packages. An oversized parcel as described in 2.3.1a is not subject to the nonmachinable surcharge. Mailpieces are nonmachinable if they meet any of the following criteria: * * *

* * * * *

410 Express Mail

413 Prices and Eligibility

1.0 Prices and Fees

* * * * *

1.3 Commercial Base Prices

[Revise the first sentence of 1.3 to read as follows:]

Express Mail commercial base prices are less than Express Mail retail prices (see *Price List*—Notice 123).

[Delete Exhibit 1.3, Express Mail Commercial Base Prices, in its entirety.]

1.4 Commercial Plus Prices

[Revise item 1.4 to read as follows:]

Commercial plus prices are less than Express Mail retail prices (see *Price List*—Notice 123).

* * * * *

[Delete Exhibit 1.4 Express Mail Commercial Plus Prices, in its entirety.]

* * * * *

1.7 Pickup on Demand

1.7.1 Pickup on Demand Fee

[Revise the first sentence of 1.7.1 by changing the price as follows:]

Per occurrence: $15.30. * * *

* * * * *

420 Priority Mail

423 Prices and Eligibility

1.0 Prices and Fees

1.1 Price Application

[Delete the last sentence of 1.1 referring to Exhibit 1.2 in its entirety.]

1.2 Commercial Base Prices

[Add a new first sentence to 1.2 as follows:]

For prices, see *Price List*—Notice 123. * * *

[Delete Exhibit 1.2, Priority Mail Commercial Base Prices, in its entirety.]

1.3 Commercial Plus Prices

1.3.1 Existing Priority Mail Customers

[Add a new first sentence to 1.3.1 as follows:]

For prices, see *Price List*—Notice 123. * * *

* * * * *

[Delete Exhibit 1.3, Priority Mail Commercial Plus Prices, in its entirety.]

* * * * *

1.7 Pickup on Demand Fee

[Revise the first sentence of 1.7 by changing the price as follows:]

Priority Mail only, per occurrence: $15.30. * * *

* * * * *

430 First-Class Mail

433 Prices and Eligibility

1.0 Prices and Fees for First-Class Mail

* * * * *

1.3 Parcel Prices

[Delete price chart of 1.3 in its entirety and add new text as follows:]

For prices, see *Price List*—Notice 123.

* * * * *

1.5 Presort Mailing Fee

[Revise fee of 1.5 as follows:]

Presort mailing fee, per 12-month period, per office of mailing: $185.00.

* * * * *

440 Standard Mail

443 Prices and Eligibility

1.0 Prices and Fees for Standard Mail

* * * * *

1.2 Regular Standard Mail—Presorted and Enhanced Carrier Route Prices

[Delete price chart of 1.2 in its entirety and add new text as follows:]

For prices, see *Price List*—Notice 123.

1.3 Nonprofit Standard Mail—Presorted and Enhanced Carrier Route Prices

[Delete price chart of 1.3 in its entirety and add new text as follows:]

For prices, see *Price List*—Notice 123.

1.4 Regular Standard Mail—Not Flat-Machinable Prices

[Delete price chart of 1.4 in its entirety and add new text as follows:]

For prices, see *Price List*—Notice 123.

1.5 Nonprofit Standard Mail—Not Flat-Machinable Prices

[Delete price chart of 1.5 in its entirety and add new text as follows:]

For prices, see *Price List*—Notice 123.

1.6 Fees

[Revise heading of 1.6.1 as follows:]

1.6.1 Presort Mailing Fee

[Revise fee of 1.6.1 as follows:]

Mailing fee, per 12-month period: $185.00.

1.6.2 Weighted Fee

For return of pieces bearing the ancillary service markings ''Address Service Requested'' and ''Forwarding Service Requested.''

[Revise fees in 1.6.2, Weighted Fee chart as follows:]

WEIGHTED FEE

Single piece weight not over (ounces)	Weighted fee per piece [1]
1	$3.02
2	3.44
3	3.86
4	4.28
5	4.70
6	5.12
7	5.54
8	5.96
9	6.38
10	6.80
11	7.22
12	7.64
13	8.06
Over 13 but under 16	12.24

[1] Weighted fee equals single-piece First-Class Mail or Priority Mail price multiplied by 2.472.

* * * * *

3.0 Basic Standards for Standard Mail Parcels

* * * * *

3.9 Move Update Standard

3.9.1 Basic Standards

[Revise item 3.9.1 by inserting a new third and fourth sentence into the introductory text and incorporating a postage adjustment charge as follows:]

* * * Except for mail bearing an alternative address format, addresses used on pieces claiming Standard Mail prices must meet the Move Update standard. When a mailing is determined by the USPS to not be in compliance with the Move Update standard, each piece in the mailing will be subject to a postage adjustment charge of $0.07 per piece. Addresses subject to the Move Update standard must meet these requirements:

* * * * *

[Delete item d of 3.9.1 in its entirety.]

* * * * *

5.0 Additional Eligibility Standards for Presorted Standard Mail Pieces

* * * * *

5.3 Prices for Machinable Parcels

5.3.1 5-Digit Price

[Revise introductory text of 5.3.1 to limit 5-digit prices to pieces that are dropshipped as follows:]

The 5-digit price applies to qualifying machinable parcels that are dropshipped to a DBMC (or ASF when claiming DBMC prices), DSCF, or DDU and presented:

* * * * *

5.3.2 BMC Price

[Revise 5.3.2 to limit BMC prices to pieces that are dropshipped or that are presented on minimum 200 pound pallets as follows:]

The BMC price applies to qualifying machinable parcels as follows under either 5.3.2a or 5.3.2b:

a. When dropshipped to a BMC and presented:

1. In an ASF or BMC sack containing at least 10 pounds of parcels, or

2. On an ASF or BMC pallet, according to standards in 705.8.10, or

3. In a BMC/ASF container prepared under 705.20.0.

b. When presented at the origin acceptance office on a BMC pallet containing at least 200 pounds of pieces.

5.3.3 Mixed BMC Price

[Revise text of 5.3.3 as follows:]

The mixed BMC price applies to machinable parcels that are not eligible for 5-digit or BMC prices. Place machinable parcels at mixed BMC prices in origin BMC sacks or on origin BMC pallets, then in mixed BMC sacks or on mixed BMC pallets (see 445.5.3.2 and 705.8.10).

* * * * *

[Revise heading of 5.4 as follows:]

5.4 Prices for Irregular Parcels and Not Flat-Machinable (NFM) Pieces

[Revise introductory paragraph of 5.4.1 as follows:]

5.4.1 5-Digit Price

The 5-digit price applies to irregular parcels and NFMs that are dropshipped to a DBMC (or ASF when claiming DBMC prices), DSCF, or DDU and presented:

* * * * *

[Revise heading and text of 5.4.2 as follows:]

5.4.2 SCF Price

The SCF price applies to irregular parcels or NFMs that are dropshipped and presented to a DSCF:

a. In an SCF sack containing at least 10 pounds of parcels.

b. On an SCF pallet, according to 705.8.10.

c. In SCF containers prepared under 705.20.0.

[Revise heading and text of 5.4.3 as follows:]

5.4.3 BMC Price

The BMC price applies to qualifying irregular parcels or NFMs as follows under either 5.4.3a or 5.4.3b:

a. When dropshipped to a BMC and presented:

1. In an ASF or BMC sack containing at least 10 pounds of parcels, or

2. On an ASF or BMC pallet, according to standards in 705.8.10, or

3. In a BMC/ASF container prepared under 705.20.0.

b. When presented at the origin acceptance office on a BMC pallet containing at least 200 pounds of pieces.

[Revise heading and text of 5.4.4. as follows:]

5.4.4 Mixed BMC Price

The mixed BMC price applies to irregular parcels or NFMs in origin BMC or mixed BMC containers that are not eligible for 5-digit, SCF, or BMC prices. Place irregular parcels or NFMs at mixed BMC prices in origin BMC or mixed BMC sacks under 445.5.4.4 or on origin BMC or mixed BMC pallets under 705.8.10.

[Delete 5.5 in its entirety.]

* * * * *

445 Mail Preparation

1.0 General Information for Mail Preparation

1.3 Terms for Presort Levels

* * * * *

[Redesignate current items j and k as new items k and l, respectively.]

[Add new item j as shown below:]

j. Origin BMC: this separation includes all pieces addressed for delivery to ZIP Codes within the same BMC (see L601) that serves the acceptance office that verifies the mailing. There is no minimum quantity requirement for this separation.

* * * * *

5.0 Preparing Presorted Parcels

* * * * *

5.3 Preparing Machinable Parcels

[Revise heading of 5.3.1 as follows:]

5.3.1 Sacking

[Revise text of 5.3.1 by adding two new sentences at the beginning of the paragraph as follows:]

Mailers may prepare 5-digit sacks only for parcels that will be dropshipped to a DBMC (or ASF when claiming DBMC prices), DSCF, or DDU. Mailers may prepare ASF or BMC sacks

only for parcels that will be dropshipped to a DBMC (or ASF when claiming DBMC prices). * * *

5.3.2 Sacking and Labeling

Preparation sequence, sack size, and labeling:

[Revise items a through d of 5.3.2, and add new item e, as follows:]

a. 5-digit/scheme (optional, but required for 5-digit price), see definition in 1.4c; allowed only for mail deposited at DBMC (or ASF when claiming DBMC prices), DSCF, or DDU. Sacks must contain a 10-pound minimum except at DDU entry which has no minimum; labeling:

1. Line 1: For 5-digit scheme sacks, use L606, Column B. For 5-digit sacks, use city, state, and 5-digit ZIP Code destination on pieces (see 4.0 for overseas military mail).

2. Line 2: For 5-digit scheme sacks, ''STD MACH 5D SCH.'' For 5-digit sacks, ''STD MACH 5D.''

b. ASF (optional), allowed only for mail deposited at an ASF to claim DBMC price; 10-pound minimum; labeling:

1. Line 1: L602, Column B. DBMC price eligibility determined by Exhibit 446.3.1, *BMC/ASF—DBMC Price Eligibility.*

2. Line 2: ''STD MACH ASF.''

c. BMC, allowed only for mail deposited at a DBMC to claim the BMC price; 10-pound minimum; labeling:

1. Line 1: L601, Column B. DBMC price eligibility determined by Exhibit 446.3.1, *BMC/ASF—DBMC Price Eligibility.*

2. Line 2: ''STD MACH BMC.''

d. Origin Mixed BMC (required); no minimum; labeling:

1. Line 1: L601, Column B.

2. Line 2: ''STD MACH BMC.''

e. Mixed BMC (required); no minimum; labeling:

1. Line 1: ''MXD'' followed by L601, Column B information for BMC serving 3-digit ZIP Code prefix of entry Post Office.

2. Line 2: ''STD MACH WKG.''

* * * * *

5.4 Preparing Irregular Parcels

* * * * *

[Revise heading of 5.4.2 as follows:]

5.4.2 Sacking

[Revise text of 5.4.2 by adding two new sentences at the beginning of the paragraph as follows:]

Mailers may prepare 5-digit sacks only for parcels that will be dropshipped to a DBMC (or ASF when claiming DBMC prices), DSCF, or DDU. See 5.4.4 for restrictions on SCF, ASF, and BMC sacks. * * *

* * * * *

5.4.4 Sacking and Labeling

Preparation sequence, sack size, and labeling:

[Revise items a through e of 5.4.4, and add new item f, as follows:]

a. 5-digit/scheme (optional, but required for 5-digit price), see definition in 1.4c; allowed only for mail deposited at DBMC (or ASF when claiming DBMC prices), DSCF, or DDU. Sacks must contain a 10-pound minimum except at DDU entry which has no minimum; labeling:

1. Line 1: For 5-digit scheme sacks, use L606, Column B. For 5-digit sacks, use city, state, and 5-digit ZIP Code destination on pieces (see 4.0 for overseas military mail).

2. Line 2: For 5-digit scheme sacks, ''STD IREG 5D SCH.'' For 5-digit sacks, ''STD IRREG 5D.''

b. SCF, allowed only for mail deposited at a DSCF to claim SCF price; 10-pound minimum; labeling:

1. For Line 1, L002, Column C.

2. For Line 2, ''STD IRREG SCF.''

c. ASF (optional), allowed only for mail deposited at an ASF to claim DBMC price; 10-pound minimum; labeling:

1. Line 1: L602, Column B. DBMC price eligibility determined by Exhibit 446.3.1, *BMC/ASF—DBMC Price Eligibility.*

2. Line 2: ''STD IRREG ASF.''

d. BMC, allowed only for mail deposited at a DBMC to claim the BMC price; 10-pound minimum; labeling:

1. Line 1: L601, Column B. DBMC price eligibility determined by Exhibit 446.3.1, *BMC/ASF—DBMC Price Eligibility.*

2. Line 2: ''STD IRREG BMC.''

e. Origin Mixed BMC (required); no minimum; labeling:

1. Line 1: L601, Column B.

2. Line 2: ''STD IRREG BMC.''

f. Mixed BMC (required); no minimum; labeling:

1. Line 1: ''MXD'' followed by L601, Column B information for BMC serving 3-digit ZIP Code prefix of entry Post Office.

2. Line 2: ''STD IRREG WKG.''

6.0 Preparing Not Flat-Machinable Pieces

* * * * *

[Revise the title and text of 6.31 as follows:]

6.3.1 Sacking

Mailers may prepare 5-digit sacks only for NFMs that will be dropshipped to a DBMC (or ASF when claiming DBMC prices), DSCF, or DDU. See 6.3.2 and 6.3.3 for other restrictions on SCF, ASF, and BMC sacks.

6.3.2 NFM Pieces Weighing Less Than 6 Ounces

Preparation sequence, sack size, and labeling for sacks of NFM pieces that weigh less than 6 ounces:

[Revise items a through e of 6.3.2, and add new item f, as follows:]

a. 5-digit/scheme (optional, but required for 5-digit price), see definition in 1.4c; allowed only for mail deposited at DBMC (or ASF when claiming DBMC prices), DSCF, or DDU. Sacks must contain a 10-pound minimum except at DDU entry which has no minimum; labeling:

1. Line 1: For 5-digit scheme sacks, use L606, Column B. For 5-digit sacks, use city, state, and 5-digit ZIP Code destination on pieces (see 4.0 for overseas military mail).

2. Line 2: For 5-digit scheme sacks, ''STD IREG 5D SCH.'' For 5-digit sacks, ''STD NFM 5D.''

b. SCF, allowed only for mail deposited at a DSCF to claim SCF price; 10-pound minimum; labeling:

1. For Line 1, L002, Column C.

2. For Line 2, ''STD NFM SCF.''

c. ASF (optional), allowed only for mail deposited at an ASF to claim DBMC price; 10-pound minimum; labeling:

1. Line 1: L602, Column B. DBMC price eligibility determined by Exhibit 446.3.1, *BMC/ASF—DBMC Price Eligibility.*

2. Line 2: ''STD NFM ASF.''

d. BMC, allowed only for mail deposited at a DBMC to claim the BMC price; 10-pound minimum; labeling:

1. Line 1: L601, Column B. DBMC price eligibility determined by Exhibit 446.3.1, *BMC/ASF—DBMC Price Eligibility.*

2. Line 2: ''STD NFM BMC.''

e. Origin Mixed BMC (required); no minimum; labeling:

1. Line 1: L601, Column B.

2. Line 2: STD NFM BMC.''

f. Mixed BMC (required); no minimum; labeling:

1. Line 1: ''MXD'' followed by L601, Column B information for BMC serving 3-digit ZIP Code prefix of entry Post Office.

2. Line 2: ''STD NFM WKG.''

6.3.3 NFM Pieces Weighing 6 Ounces or More

Preparation sequence, sack size, and labeling for sacks of NFM pieces that weigh 6 ounces or more:

[Revise items a through d of 6.3.3, and add new item e as follows:]

a. 5-digit/scheme (optional, but required for 5-digit price), see definition in 1.4c; allowed only for mail deposited at DBMC (or ASF when claiming DBMC

prices), DSCF, or DDU. Sacks must contain a 10-pound minimum except at DDU entry which has no minimum; labeling:

1. Line 1: For 5-digit scheme sacks, use L606, Column B. For 5-digit sacks, use city, state, and 5-digit ZIP Code destination on pieces (see 4.0 for overseas military mail).

2. Line 2: For 5-digit scheme sacks, ''STD NFM MACH 5D SCH.'' For 5-digit sacks, ''STD NFM MACH 5D.''

b. ASF (optional), allowed only for mail deposited at an ASF to claim DBMC price; 10-pound minimum; labeling:

1. Line 1: L602, Column B. DBMC price eligibility determined by Exhibit 446.3.1, *BMC/ASF—DBMC Price Eligibility.*

2. Line 2: ''STD NFM MACH ASF.''

c. BMC, allowed only for mail deposited at a DBMC to claim the BMC price; 10-pound minimum; labeling:

1. Line 1: L601, Column B. DBMC price eligibility determined by Exhibit 446.3.1, *BMC/ASF—DBMC Price Eligibility.*

2. Line 2: ''STD NFM MACH BMC.''

d. Origin Mixed BMC (required); no minimum; labeling:

1. Line 1: L601, Column B.

2. Line 2: ''STD NFM MACH BMC.''

e. Mixed BMC (required); no minimum; labeling:

1. Line 1: ''MXD'' followed by L601, Column B information for BMC serving 3-digit ZIP Code prefix of entry Post Office.

2. Line 2: ''STD NFM MACH WKG.''

* * * * *

446 Enter and Deposit

* * * * *

3.0 Destination Bulk Mail Center (DBMC) Entry

* * * * *

[Delete items 3.3 and 3.4 in their entirety, and redesignate current 3.5 through 3.7 as new 3.3 through 3.5.]

* * * * *

450 Parcel Select

453 Prices and Eligibility

1.0 Prices and Fees

1.1 Price Application

* * * There are three price categories for Parcel Select:

* * * * *

[Revise text of 1.1b and c as follows:]

b. BMC Presort and OBMC Presort.

c. Barcoded Nonpresort.

1.2 Parcel Select Destination Entry Prices

[Delete price chart of 1.2 in its entirety and add new text as follows:]

For prices, see *Price List*—Notice 123.

[Revise heading of 1.3 as follows:]

1.3 Parcel Select BMC Presort Prices

[Delete price chart of 1.3 in its entirety and add new text as follows:]

For prices, see *Price List*—Notice 123.

[Revise heading of 1.4 as follows:]

1.4 Parcel Select OBMC Presort Prices

[Delete price chart of 1.4 in its entirety and add new text as follows:]

For prices, see *Price List*—Notice 123.

[Revise heading of 1.5 as follows:]

1.5 Parcel Select Barcoded Nonpresort Prices

[Delete price chart of 1.5 in its entirety and add new text as follows:]

For prices, see *Price List*—Notice 123.

* * * * * *

3.0 Price Eligibility for Parcel Select

3.1 Destination Entry Price Eligibility

* * * * *

3.1.3 DBMC prices

For DBMC prices, pieces must meet the applicable standards in 3.0 and the following:

* * * * *

[Revise the second sentence of 3.1.3b to eliminate use of the term ''Intra-BMC/ASF'' as follows:]

b. * * * Nonbarcoded machinable parcels are eligible only for Parcel Post prices.

* * * * *

[Revise heading of 3.2 to delete ''Inter-BMC'' as follows:]

3.2 Parcel Select BMC and OBMC Presort Price Eligibility

[Revise text by incorporating text from current 3.2.1 and 3.2.2, and rewording existing text as follows:]

Parcel Select BMC Presort and Parcel Select OBMC Presort per piece prices apply to Parcel Select sorted to BMC destinations under L601 for machinable pieces, and sorted to BMC and ASF destinations for nonmachinable pieces under L605, and to pieces prepared as part of a combined mailing under 705.20.0. To qualify, machinable pieces must be placed in pallet boxes on pallets; and nonmachinable pieces must be placed directly on pallets under 705.8.0, or be prepared as part of a combined mailing and placed in a 5-digit, 3-digit, ADC, or BMC container under 705.20.0. The mail must be entered at a BMC listed in L601 for OBMC Presort and not at a BMC for BMC presort, and must be part of a mailing containing 50 or more Parcel Select pieces.

[Delete current 3.2.1 and 3.2.2 in their entirety.]

[Revise heading of 3.3 to delete ''Intra-BMC/ASF'' and ''Inter-BMC/ASF'' from heading as follows:]

3.3 Parcel Select Barcoded Nonpresort Price Eligibility

[Revise text by incorporating text from current 3.3.1 and 3.3.2, and rewording existing text as follows:]

Parcel Select Barcoded Nonpresort per piece prices apply to Parcel Select machinable parcels that are barcoded. See Exhibit 3.3.1, *BMC/ASF Service Areas.* Machinable parcels (401.1.5) must bear a GS1–128 barcode under 708.5.0 for the ZIP Code of the delivery address, and be part of a mailing of 50 or more pieces or when prepared as part of a combined mailing of 300 or more pieces under 705.20.0 in other than 5-digit containers.

[Delete current 3.3.1 and 3.3.2 in their entirety, and renumber current exhibit 3.3.1 as new exhibit 3.3.]

* * * * *

454 Postage Payment and Documentation

1.0 Basic Standards for Postage Payment

1.1 Postage Payment Options

Mailing fees must be paid for the current 12-month period at the Postal Service facility where postage is paid for the mailing.

[Revise 1.1a by eliminating reference to ''Inter-BMC'' in the fifth sentence as follows:]

a. * * * Permit imprint may be used for identical-weight pieces provided the mail can be separated at acceptance into groups that each contain pieces subject to the same zone and same combination of prices (e.g., all are zone 4, with a BMC presort discount and a barcode discount). * * *

* * * * *

455 Mail Preparation

1.0 General Information for Mail Preparation

1.8 Parcel Select Markings

* * * The following product markings are required:

* * * * *

[Revise 1.8 c and d to eliminate references to inter-BMC and intra-BMC as follows:]

c. OBMC Presort—* * *.

d. Barcoded Nonpresort—* * *.

* * * * *

[Revise heading of 5.0 to eliminate ''Inter-BMC'' as follows:]

5.0 Preparing BMC Presort and OBMC Presort Parcel Select

5.1 Definitions

The following definitions apply:

[Revise 5.1a and b to eliminate inter-BMC as follows:]

a. BMC Presort—are pieces * * *.

b. OBMC Presort—are pieces * * *.

* * * * *

[Revise heading of 6.0 to eliminate "Intra-BMC" and "Inter-BMC" as follows:]

6.0 Preparing Barcoded Machinable Parcels

6.1 Definition

[Revise the text in 6.1 as follows:]

Parcel Select machinable parcels (401.1.5) that bear a barcode under 708.5.0 for the ZIP Code of the delivery address.

* * * * *

456 Enter and Deposit

1.0 Verification

* * * * *

1.3 Redirecting Mailings

A shipper who presents large shipments of zoned Parcel Select mail may be authorized or directed to deposit such shipments at another postal facility when processing or logistics make such an alternative desirable for the USPS, subject to these conditions:

* * * * *

[Delete item 1.3c in its entirety].

* * * * *

460 Bound Printed Matter

463 Prices and Eligibility

1.0 Prices and Fees for Bound Printed Matter

1.1 Nonpresorted Bound Printed Matter

* * * * *

1.1.4 Bound Printed Matter—Nonpresorted

[Add new first sentence to 1.1.4 as follows:]

For prices, see *Price List*—Notice 123. * * *

[Delete Exhibit 1.1.4, Bound Printed Matter—Nonpresorted in its entirety].

* * * * *

1.2 Commercial Bound Printed Matter

* * * * *

1.2.3 Bound Printed Matter Presorted and Carrier Route Prices

[Add new last sentence to 1.2.3 as follows:]

* * * For prices, see *Price List*—Notice 123.

1.2.4 Bound Printed Matter Destination Entry Prices

[Add new last sentence to 1.2.4 as follows:]

* * * For prices, see *Price List*—Notice 123.

[Delete Exhibit 1.2.4, Bound Printed Matter—Presorted, Carrier Route, and Destination Entry Prices in its entirety].

1.2.5 Destination Entry Mailing Fee

[Revise the last sentence of 1.2.5 by changing the fee as follows:]

Destination entry mailing fees for Bound Printed Matter, per 12-month period: $185.00.

* * * * *

470 Media Mail

473 Prices and Eligibility

1.0 Media Mail Prices and Fees

* * * * *

1.3 Media Mail Presorted Prices

[Revise text of 1.3 as follows:]

For prices, see *Price List*—Notice 123.

[Delete Exhibit 1.3, Media Mail Presorted Prices, in its entirety.]

1.4 Mailing Fee

[Revise the last sentence by changing the fee as follows:]

* * * Presort mailing fees for Media Mail, per 12-month period: $185.00.

* * * * *

480 Library Mail

483 Prices and Eligibility

1.0 Library Mail Prices and Fees

* * * * *

1.3 Library Mail Presorted Prices

[Revise text of 1.3 as follows:]

For prices, see *Price List*—Notice 123.

[Delete Exhibit 1.3, Library Mail Presorted Prices, in its entirety.]

1.4 Mailing Fee

[Revise the last sentence of 1.4 by changing the fee as follows:]

* * * Presort mailing fees for Library Mail, per 12-month period: $185.00.

* * * * *

500 Additional Mailing Services

503 Extra Services

1.0 Extra Services for Express Mail

1.1 Available Services

* * * * *

1.1.8 Fees for Express Mail Insurance

Fee, in addition to postage and other fees:

[Revise table in 1.1.8 by changing the prices as follows:]

Express mail insurance (Amount for merchandise insurance coverage desired)	Fee [1]
$0.01 to $100.00	$0.00.
100.01 to 200.00	0.75.
200.01 to 500.00	2.15.
500.01 to 5,000.00	$2.15 plus $1.40 for each $500 or fraction thereof over $500.

[1] Express Mail merchandise maximum coverage: $5,000.
Document reconstruction maximum liability: $100.

* * * * *

2.0 Registered Mail

2.1 Registered Mail Fees

Fees and charges are in addition to postage:

[Revise table by changing the prices as follows:]

Registered mail	In addition to postage
Declared value	Fee
$0.00	$10.60
0.01 to 100	11.50
100.01 to 500.00	13.10
500.01 to 1,000.00	14.45
1,000.01 to 2,000.00	15.80
2,000.01 to 3,000.00	17.15
3,000.01 to 4,000.00	18.50
4,000.01 to 5,000.00	19.85
5,000.01 to 6,000.00	21.20
6,000.01 to 7,000.00	22.55
7,000.01 to 8,000.00	23.90
8,000.01 to 9,000.00	25.25
9,000.01 to 10,000.00	26.60
10,000.01 to 11,000.00	27.95
11,000.01 to 12,000.00	29.30
12,000.01 to 13,000.00	30.65
13,000.01 to 14,000.00	32.00
14,000.01 to 15,000.00	33.35
15,000.01 to 16,000.00	34.70
16,000.01 to 17,000.00	36.05
17,000.01 to 18,000.00	37.40
18,000.01 to 19,000.00	38.75
19,000.01 to 20,000.00	40.10
20,000.01 to 21,000.00	41.45
21,000.01 to 22,000.00	42.80
22,000.01 to 23,000.00	44.15
23,000.01 to 24,000.00	45.50
24,000.01 to 25,000.00	46.85

Declared value	In addition to postage
	Fee
$25,000.01 to $15,000,000	$46.85 + handling charge of $1.35 per each $1,000 or fraction thereof over first $25,000.
Over $15,000,000	$23,313.10 + amount determined by USPS based on weight, space, and value.
Additional Services	
COD Collection Charge (maximum amount collectible is $1,000).	$4.85.
Restricted Delivery	4.50.
Return Receipts, requested at time of mailing showing to whom, signature, date of delivery, and addressee's address (if different).	2.30.
Return Receipts, requested at time of mailing (receive electronically).	1.10.
Return Receipts, requested after mailing showing only to whom and date delivered.	4.60.

[1] Fees for articles valued over $25,000 are for handling only. Maximum amount of insurance coverage available is $25,000.

* * * * *

3.0 Certified Mail

3.1 Certified Mail Fees

3.1.1 Certified Fees

[Revise 3.1.1 by changing the price as follows:]

Fee, in addition to postage and other fees, per piece: $2.80.

* * * * *

4.0 Insured Mail

4.1 Insured Mail Fees

4.1.1 Insurance Fees

Fee, in addition to postage and other fees, for merchandise insurance liability, per piece:

[Revise table in 4.1.1 by changing the prices as follows:]

Amount for merchandise insurance coverage desired	Fee [1]
$0.01 to $50	$1.75.
50.01 to 100	2.25.
100.01 to 200	2.75.
200.01 to 300	4.70.
300.01 to 400	5.70.
400.01 to 500	6.70.
500.01 to 600	7.70.
600.01 to 5,000 (maximum liability is $5000).	$7.70 plus $1.00 per $100 or fraction thereof over $600 in declared value.

[1] Bulk insurance discount $0.80 per piece. (See 503.4.4 for eligibility.)

* * * * *

5.0 Certificate of Mailing

5.1 Certificate of Mailing Fees

[Revise table in 5.1 by changing the prices as follows:]

	Fee
Individual Pieces:	
Individual article (Form 3817)	$1.15

	Fee
Duplicate copies of Form 3817 or mailing bill, per page	1.15
Firm mailing books (Form 3877), per article listed (minimum 3)	0.42
Bulk Quantities:	
For first 1,000 pieces (or fraction thereof)	6.50
Each additional 1,000 pieces (or fraction thereof)	0.75
Duplicate copy of Form 3606	1.15

* * * * *

6.0 Return Receipt

6.1 Return Receipt Fees

6.1.1 Fees

Fee, in addition to postage and other fees, per piece:

[Revise table in 6.1.1 by changing the prices as follows:]

Return receipt (In conjunction with another service)	Fee
Requested at time of mailing (receive by mail)	$2.30
Requested at time of mailing (receive electronically)	1.10
Requested after mailing (Form 3811–A) (receive by fax, mail, or e-mail)	4.60

* * * * *

7.0 Restricted Delivery

7.1 Restricted Delivery Fee

7.1.1 Fee

[Revise 7.1.1 by changing the price as follows:]

Fee, in addition to postage and other fees, per piece: $4.50.

* * * * *

8.0 Return Receipt for Merchandise

8.1 Return Receipt for Merchandise Fees

8.1.1 Fees

[Revise 8.1.1 by changing the price as follows:]

Fee, in addition to postage and other fees, per piece: $3.80.

* * * * *

9.0 Delivery Confirmation

9.1 Delivery Confirmation Fee

9.1.1 Fee

Fee, in addition to postage and other fees, per piece:

[Revise table in 9.1.1 by changing the prices as follows:]

Delivery confirmation		Fee
First-Class Mail (parcels only)	Retail	$0.80
	Electronic	0.19
Priority Mail	Retail	0.70
	Electronic	0.00
Package Services (parcels only)	Retail	0.80
	Electronic	0.19
Standard Mail (NFMs and parcels)	Electronic	0.19
Parcel Select Destination Entry	Electronic	0.00
Parcel Select (all other)	Electronic	0.19

* * * * *

10.0 Signature Confirmation

10.1 Signature Confirmation Fees

10.1.1 Fee

* * * Fee, in addition to postage and other fees, per piece:

[Revise table in 10.1.1 by changing the prices as follows:]

Signature confirmation		Fee
First-Class Mail (parcels only)	Retail	$2.35
	Electronic	1.95
Priority Mail	Retail	2.35
	Electronic	1.95
Package Services (parcels only)	Retail	2.35
	Electronic	1.95
Parcel Select	Electronic	1.95

* * * * *

11.0 Collect on Delivery (COD)

11.1 Collect on Delivery Fees

11.1.1 Fee

Fee, in addition to postage and other fees, per piece:

[Revise table in 11.1.1 by changing the prices as follows:]

	Fee
Amount to be collected or insurance coverage desired, whichever is higher: [1]	
$0.01 to $50	$5.50
50.01 to 100	6.80
100.01 to 200	8.10
200.01 to 300	9.40
300.01 to 400	10.70
400.01 to 500	12.00
500.01 to 600	13.30
600.01 to 700	14.60
700.01 to 800	15.90
800.01 to 900	17.20
900.01 to 1,000	18.50
Additional COD services:	
Restricted delivery [2]	4.50
Notice of nondelivery	3.85
Alteration of COD charges	3.85
Designation of new addressee	3.85
Registered COD [3]	4.85

* * * * *

12.0 Special Handling

12.1 Fees for Special Handling

12.1.1 Fees

Fee, in addition to postage and other fees, per piece:

[Revise table in 12.1.1 by changing the prices as follows:]

Weight	Fee
Not more than 10 pounds	$7.40
More than 10 pounds	10.40

* * * * *

13.0 Confirm Service

13.1 Confirm Fees

13.1.1 Fee

Fee, in addition to postage and other fees:

[Revise table of 13.1.1. to read as follows:]

Subscription level	Subscription fee and term	Additional ID code registration fee and term	Additional scans fee and number
Bronze [1] [2]	$1,000 12 months	$900 each 3 months $2,500 annual.	$250 block of 10,000 scans.
Silver [1] [2]	$2,000 3 months	$900 each 3 months	$500 block of 2 million scans.
Gold Mail Owner [2]	$7,500 12 months	$900 each 3 months $2,500 annual.	$800 block of 6 million scans.
Gold Mailing Agent [3]	$10,000 12 months	$900 each 3 months $2,500 annual.	$800 block of 6 million scans.
Platinum Mail Owner [2]	$25,000 12 months	$900 each 3 months $2,500 annual.	NA.
Platinum Mailing Agent [3]	$250,000 12 months	$900 each 3 months $2,500 annual.	NA.

[1] Available to mail owners only.
[2] A mail owner is the business entity (or individual) who makes business decisions regarding the mailpiece content, directly benefits from the mailing, and ultimately pays for postage on the mailpiece.
[3] A mailing agent is a business entity acting on behalf of one or more mail owners by providing mailing services for which the mail owners will compensate the mailing agent. Mailing agents include, but are not limited to: Printer; letter shop; address list provider/manager; mail preparer; postage payment provider; mailing logistics provider; mailing tracking provider; and mailing information manager.

* * * * *

13.2 Basic Information

13.2.1 Description

[Revise the second sentence of 13.2.1 to read as follows:]

* * * Scanned data can include the postal facility where such pieces are processed, the postal operation used to process the pieces, the date and time when the pieces are processed, and the numeric equivalent of a barcode(s) that help to identify the specific pieces. * * *

* * * * *

13.2.3 Authorization

[Revise 13.2.3 to read as follows:]

Participation in Confirm service requires USPS authorization after mailers pay applicable fees and meet technical requirements. As part of the application process, a mailer must submit mailpieces with the appropriate PLANET Code barcodes, POSTNET barcodes, or Intelligent Mail barcodes for evaluation and approval via the prescribed application process. Mailers may use Confirm service only after receiving authorization. Information generated from the service is provided only to mailers meeting the standards for participation.

* * * * *

[Renumber current item 13.2.7 as new 13.2.8 and add new 13.2.7 as follows:]

13.2.7 Eligibility

Confirm is available to both mail owners and mailing agents. The Bronze and Silver subscriptions are restricted to mail owners only. Mailing agents are eligible for Gold and Platinum subscriptions at the mailing agent fee level only. Mail owner and mailing agents are defined as follows:

a. Mail Owner. A mail owner is the business entity (or individual) who makes business decisions regarding the mailpiece content, directly benefits from the mailing, and ultimately pays for postage on the mailpiece.

b. Mailing Agent. A mailing agent is a business entity acting on behalf of one or more mail owners by providing mailing services for which the mail owners will compensate the mailing agent. Mailing Agents include, but are not limited to: printer; letter shop; address list provider/manager; mail preparer; postage payment provider; mailing logistics provider; mailing tracking provider; and mailing information manager. A business entity whose services define it as a mailing agent may subscribe as a mail owner, but only for its own mail, or the mail of its corporate partners or subsidiaries. A business entity who subscribes as a mail owner under these conditions may separately subscribe as a mailing agent.

13.2.8 Subscription Levels

[Revise renumbered 13.2.8 to read as follows:]

A customer may subscribe to one or more of the following levels at the same time, at different times, or at overlapping times:

a. Bronze Subscription. The Bronze subscription level is restricted to mail owners (see 13.2.7), has a term of 12 consecutive months, includes registration of one identification code assigned by the USPS, and provides up to 200,000 scans. A mail owner subscribing to this level may also:

1. Register additional identification codes for a term of 3 consecutive months or until the expiration of the underlying subscription, whichever occurs first.

2. License additional scans in blocks of 10,000 scans at any time before the underlying subscription expires. Unused scans expire at the end of the subscription term.

3. Change the subscription level to a Gold or Platinum subscription level at any time before the expiration of the Bronze subscription by paying the difference of the respective subscription fees. This change in service level does not extend the term of the underlying initial subscription.

b. Silver Subscription. The Silver subscription level is restricted to mail owners (see 13.2.7), has a term of 3 consecutive months, includes registration of one identification code assigned by the USPS, and provides up to 15 million scans. A mail owner subscribing to this level may also:

1. Register additional identification codes for a term of 3 consecutive months or until the expiration of the underlying subscription, whichever occurs first.

2. License additional scans in blocks of 2 million scans at any time before the underlying subscription expires. Unused scans expire at the end of the subscription term.

c. Gold Subscription. The Gold subscription level has a term of 12

consecutive months, includes registration of one identification code assigned by the USPS, and provides up to 50 million scans. A customer subscribing to this level may also:

1. Register additional identification codes for a term of 3 consecutive months or until the expiration of the underlying subscription, whichever occurs first.

2. License additional scans in blocks of 6 million scans at any time before the underlying subscription expires. Unused scans expire at the end of the subscription term.

3. Raise the subscription level to a Platinum subscription level at any time before the expiration of the Gold subscription by paying the difference of the respective subscription fees. This change in service level does not extend the term of the underlying initial subscription.

d. Platinum Subscription. The Platinum subscription level has a term of 12 consecutive months, includes registration of three identification numbers assigned by the USPS, and provides an unlimited number of scans. A customer subscribing to this level may also license additional identification codes for a term of 3 consecutive months or until the expiration of the underlying subscription, whichever occurs first.

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13.3 Barcodes

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13.3.5 PLANET Code Barcode Specifications

[Revise the last sentence of 13.3.5 to read as follows:]

* * * Publication 197 is available online at *www.usps.com/ftp/pubs/pub197.pdf.*

* * * * *

[Delete current 13.4, Preshipment Notification in its entirety and renumber current 13.5 as new 13.4.]

* * * * *

14.0 Money Orders

14.1 Fees for Money Orders

Fee, each:

[Revise table in 14.1 by changing prices as follows:]

Service	Fee
Domestic money order	
$0.01 to $500	$1.10
$500.01 to $1,000	1.50
Postal military money order (issued by military facilities)	0.30
Inquiry fee (includes the issuance of a copy of a paid money order)	5.40
Maximum amount per money order—$1,000.	

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507 Mailer Services

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3.0 Premium Forwarding Service

3.1 Prices and Fees

3.1.1 Application Fee

[Revise 3.1.1 by changing the fee as follows:]

Customers must pay a $15.00 nonrefundable application fee.

3.1.2 Weekly Reshipment Charge

[Revise the first sentence of 3.1.2 by changing the price as follows:]

The reshipment charge for each Priority Mail shipment to one temporary address is $13.95 for each week of service requested. * * *

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4.0 Address Correction Services

4.1 Address Correction Service

4.1.1 Address Correction Service Fee

[Revise table in 4.1.1 by changing the prices and adding references to full-service pieces as follow:]

Per manual notice issued—$0.50.

Per electronic notice (or manual notice for electronic option customers) issued:

- First-Class Mail—$0.10.
- Other than First-Class Mail—$0.26 (includes notices provided after 60 days for Periodicals full-service pieces and notices provided after 30 days for Standard Mail and BPM full-service flats).

Per automated notice issued:

- First-Class Mail letters (first two notices)—$0.02.
- First-Class Mail letters (per additional notice)—$0.08.
- Standard Mail letters (first two notices)—$0.05 (includes first two notices provided after 30 days for Standard Mail full-service letters).
- Standard Mail letters (per additional notice)—$0.20 (includes third and subsequent additional notices after 30 days for Standard Mail full-service letters).
- Pieces eligible for full-service Intelligent Mail option as described in 705.22—$0.00.

* * * * *

4.2 Address Change Service (ACS)

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4.2.10 Shipper Paid Forwarding Fee

[Revise 4.2.10 by changing the price as follows:]

Annual account maintenance fee for (optional) advance deposit account: $585.00.

* * * * *

6.0 Pickup on Demand Service

6.1 Pickup on Demand Service Fee

[Revise 6.1 by changing the price as follows:]

Available for Express Mail, Priority Mail, and Parcel Post, per pickup: $15.30.

* * * * *

7.0 Mailing List Services

7.1 Mailing List Service Fees

[Revise table in 7.1 by changing the prices as follows:]

For correction of name and address on occupant lists, per name on list—$0.35.

Minimum per list (30 items)—$10.50.

For sorting mailing lists on cards by 5-digit ZIP Code, per 1,000 addresses or fraction—$120.00.

For address changes provided to election boards and voter registration commissions, per Form 3575—$0.35.

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8.0 Address Sequencing Services

8.1 Address Sequencing Service Fees

8.1.1 Basic Service

[Revise 8.1.1 by changing the price as follows:]

Each card or address removed because of an incorrect or undeliverable address: $0.35.

8.1.2 Blanks for Missing Addresses

[Revise 8.1.2 by changing the price as follows:]

Each card or address removed because of an incorrect or undeliverable address: $0.35. Insertion of each blank card for missing or new address: no charge.

8.1.3 Missing or New Addresses Added

[Revise 8.1.3 by changing the price as follows:]

Insertion of each addressed card for missing or new address: $0.35.

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9.0 Business Reply Mail (BRM)

9.1 Business Reply Mail (BRM) Prices and Fees

9.1.1 Basic BRM

[Revise 9.1.1 by changing the prices as follows:]

Annual permit fee: $185.00.
Per piece fee: $0.74 * * *

9.1.2 High-Volume BRM

[Revise 9.1.2 by changing the prices as follows:]

Annual permit fee: $185.00.
Annual account maintenance fee (for advanced deposit account): $585.00.
Per piece fee: $0.083 * * *

9.1.3 Basic Qualified BRM

[Revise 9.1.3 by changing the prices as follows:]

Annual permit fee: $185.00.
Annual account maintenance fee (for advanced deposit account): $585.00.
Per piece fee: $0.052 * * *

9.1.4 High-Volume Qualified BRM

[Revise 9.1.4 by changing the prices as follows:]

Annual permit fee: $185.00.
Annual account maintenance fee (for advanced deposit account): $585.00.
Quarterly fee: $1,925.00.
Per piece fee: $0.007 * * *

9.1.5 Bulk Weight Averaged Nonletter-Size BRM

[Revise 9.1.5 by changing the prices as follows:]

Annual permit fee: $185.00.
Annual account maintenance fee (for advanced deposit account): $585.00.
Monthly maintenance fee: $965.00.
Per piece fee: $0.013 * * *

9.2 Qualified Business Reply Mail (QBRM) Prices

9.2.1 Cards

[Revise 9.2.1 by changing the prices as follows:]

Cards meeting the standards in 9.3 through 9.12, in addition to the fees in 9.1: $0.257 each.

9.2.2 Letters

Letter-size single pieces meeting the standards in 9.3 through 9.12, in addition to the fees in 9.1:

[Revise table by changing the prices as follows:]

Weight increment	Price
First ounce or fraction of an ounce	$0.417
Additional ounce or fraction, (up to and including 2 ounces)	0.170

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11.0 Merchandise Return Service

11.1 Prices and Fees

11.1.1 Permit Fee

[Revise the first sentence 11.1.1 by changing the price as follows:]

Annual permit fee: $185.00. * * *

11.1.2 Advance Deposit Account and Account Maintenance Fee

[Revise the first sentence 11.1.2 by changing the price as follows:]

Annual account maintenance fee (for advance deposit account): $585.00. * * *

* * * * *

12.0 Bulk Parcel Return Service

12.1 Bulk Parcel Return Service (BPRS) Fees

12.1.1 Permit Fee

[Revise 12.1.1 by changing the price as follows:]

Annual permit fee: $185.00.

12.1.2 Account Maintenance Fee

[Revise 12.1.2 by changing the price as follows:]

Annual account maintenance fee: $585.00.

12.1.3 Per Piece Charge

[Revise 12.1.3 by changing the price as follows:]

For each piece returned, regardless of weight: $2.50.

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13.0 Parcel Return Service

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13.2 Postage and Fees

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13.2.2 Permit Fee

[Revise 13.2.2 by changing the price as follows:]

The participant must pay a $185.00 permit fee annually at the Post Office where the PRS permit is held.

13.2.3 Advance Deposit Account and Annual Account Maintenance Fee

[Revise 13.2.3 by changing the price as follows:]

The participant must pay postage through an advance deposit account and must pay an annual account maintenance fee of $585.00.

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508 Recipient Services

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4.0 Post Office Box Service

4.1 Fees for Post Office Box Service

[Revise the table in 4.1 by changing the prices as follows:]

Fee group	Box size and fee per semiannual (6-month) period				
	1	2	3	4	5
1	$46.00	$70.00	$125.00	$255.00	$410.00
2	36.00	58.00	100.00	195.00	350.00
3	30.00	48.00	88.00	160.00	270.00
4	22.00	35.00	55.00	110.00	205.00
5	20.00	28.00	50.00	90.00	155.00
6	14.00	22.00	38.00	65.00	115.00
7	12.00	18.00	30.00	50.00	90.00
E [1]	0.00	0.00	0.00	0.00	0.00

Fee group	Box size and fee per semiannual (6-month) period				
	1	2	3	4	5
Additional Fees And Services					
Deposit per key issued					$1.00
Key duplication or replacement (after first 2 keys), each					6.00
Post office box lock replacement, each					15.00

[1] Eligibility and location determined by USPS.

5.0 Caller Service

5.1 Caller Service Fees

Fees are charged as follows:

[Revise the table in 5.1 by changing the prices as follows:]

Fee group	For each separation provided per semiannual (6-month) period
	Fee
1	$660.00
2	580.00
3	520.00
4	510.00
5	500.00
6	450.00
7	410.00
Additional Fees and Services	
For each reserved call number, per calendar year	40.00

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600 Basic Standards for All Mailing Services

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604 Postage Payment Methods

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2.0 Stamped Stationery

2.1 Plain Stamped Envelope

2.1.1 Fee

Fee, in addition to the postage value preprinted on the envelope:

[Revise the table in 2.1.1 by changing the prices as follows:]

Type	Fee	
	Each	500
Size 6¾	$0.10	$15.50
Size 10	0.10	17.75

* * * * *

2.2 Personalized Stamped Envelopes

2.2.1 Fee

Fee, in addition to the postage value preprinted on the envelope:

[Revise the table in 2.2.1 by changing the prices as follows:]

Type	Fee	
	50	500
Size 6¾	$4.80	$24.00
Size 10	4.80	27.00

* * * * *

[Renumber current 2.2.7, Rejected Envelopes, as new 2.2.8 and insert new 2.2.7 as follows:]

2.2.7 Premium Options

Personalized stamped envelopes may be ordered with the following premium options:

a. Pressure-sensitive sealing.

b. 10-point or 12-point font size.

c. Script or Times New Roman font style.

d. Blue, red, or green font color.

Premium option	Fee [1]	
	50	500
Pressure Sensitive Sealing	5.00	15.00
Font Size, Font Style, and/or Ink Color (For one, two, or all three)	1.00	2.00

[1] In addition to the postage value preprinted on the envelope and the personalized stamped envelope fee.

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5.0 Permit Imprint (Indicia)

5.1 General Standards

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5.1.5 Application Fee

[Revise first sentence of 5.1.5 to change fee as follows:]

Application fee: $185.00.

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700 Special Standards

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703 Nonprofit Standard Mail and Other Unique Eligibility

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2.0 Overseas Military Mail

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2.5 Parcel Airlift (PAL)

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2.5.3 Parcel Airlift (PAL) Fees

Fee, in addition to postage and other fees, per piece:

Maximum weight	Fee
2 pounds	$0.55
3 pounds	1.10
4 pounds	1.55
30 pounds	2.15

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705 Advanced Preparation and Special Postage Payment Systems

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6.0 Combining Mailings of Standard Mail, Package Services, and Parcel Select Parcels

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6.3 Combining Parcels—Parcel Select OBMC Presort, BMC Presort, DSCF, and DDU Prices

6.3.1 Qualification

Combination requirements for specific discounts and prices are as follows:

[Revise item a and insert new item b of 6.3.1 as follows. Redesignate current items b and c as new items c and d.]

a. When claiming Parcel Select OBMC Presort discounts, machinable Standard Mail parcels and NFMs weighing 6 ounces or more may be combined with machinable Package Services parcels under 6.3 only if the mailpieces are palletized and each pallet or pallet box contains a 200-pound minimum.

b. When claiming Parcel Select BMC Presort discounts, machinable Standard Mail parcels and NFMs weighing 6 ounces or more may be combined with machinable Package Services parcels under 6.3 only if the mailpieces are palletized and each pallet or pallet box contains a 200 pound minimum.

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8.0 Preparing Pallets

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8.5 General Preparation

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8.5.3 Minimum Load

The following minimum load standards apply to mail prepared on pallets:

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[Insert new item 3, and redesignate current items 3 and 4 as new items 4 and 5.]

3. The minimum load for pallets is 200 pounds of Standard Mail parcels (machinable, irregulars, or NFMs) entered at origin (BMC only) or at a DBMC to claim the 5-digit or BMC price.

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[Revise heading of 8.6 as follows:]

8.6 Pallet Placards

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8.6.2 Specifications

[Revise 8.6.2 to permit optional pallet placards (with Intelligent Mail container barcodes) for Periodicals to be white with a pink identifying bar by adding a new third sentence as follows:]

* * * Placards, affixed to pallets containing Periodicals, bearing an Intelligent Mail container barcode and prepared in the optional smaller format under 708.6.6.6, may be white instead of pink, but must include a vertical pink one-half inch wide identification bar along the left-hand side of the placard.

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8.10 Pallet Presort and Labeling

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8.10.3 Standard Mail—Bundles, Sacks, or Trays

* * * Mailers also may palletize bundles of Standard Mail flats under 10.0, 12.0, or 13.0.

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[Revise items g and h of 8.10.3 by deleting ''or L603'' in the third sentence in each item and deleting the entire sixth sentence that contains reference to obsolete L604.]

[Revise heading and introductory text of 8.10.6 as follows:]

8.10.6 Package Services, Parcel Select

Pallets must be prepared under 8.0 in the sequence listed below and completed at each required level before the next optional or required level is prepared. Unless indicated as optional, all sort levels are required under the conditions shown. At the mailer's option, Parcel Select and Parcel Post mailings may be prepared on pallets under this section. Destination entry price eligibility applies only to Parcel Select (see 456), and Bound Printed Matter (see 466). Combined mailings of Standard Mail, Parcel Select, and Package Services machinable parcels also must meet the standards in 6.0 or 20.0. Pallets must be labeled according to the Line 1 and Line 2 information listed below and under 8.6.

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[Insert new 8.10.7 and renumber current 8.10.7 and 8.10.8 as new 8.10.8 and 8.10.9 as follows:]

8.10.7 Standard Mail Machinable Parcels and Not Flat-Machinable Pieces Weighing 6 Ounces or More

Mailers who palletize machinable parcels or Not Flat-Machinable pieces must make pallets or pallet boxes when there are 250 pounds or more for the destination levels below for DMBC, DSCF, or DDU prices. When prepared at origin, a 200-pound minimum is required for the BMC price. Pallets must be prepared under 8.0 in the sequence listed below and completed at each required level before the next optional or required level is prepared. Unless indicated as optional, all sort levels are required under the conditions shown. At the mailer's option, Parcel Select and Parcel Post mailings may be prepared on pallets under this section. Destination entry price eligibility applies only to Standard Mail (see 446 for parcels and NFMs that weigh 6 ounces or more). Combined mailings of Standard Mail, Parcel Select, and Package Services machinable parcels also must meet the standards in 6.0 or 20.0. Pallets must be labeled according to the Line 1 and Line 2 information listed below and under 8.6.

a. 5-digit scheme, required. Pallet must contain parcels or NFMs for the same 5-digit scheme under L606. For 5-digit destinations not part of L606, or for which scheme sorts are not performed, 5-digit pallets are prepared under 8.10.6b. Labeling:

1. Line 1: Use L606.

2. Line 2: ''STD MACH 5D,'' or ''STD NFM MACH 5D,'' as applicable; followed by ''SCHEME'' (or ''SCH'').

b. 5-digit, required. Pallet must contain parcels or NFMs only for the same 5-digit ZIP Code. Labeling:

1. Line 1: city, state, and 5-digit ZIP Code destination (see 8.6.4c for overseas military mail).

2. Line 2: ''STD MACH 5D,'' or ''STD NFM MACH 5D,'' as applicable.

c. ASF, optional, but required for DBMC prices. Not available for the Buffalo NY ASF in L602. Pallets must contain only parcels or NFMs for the 3-digit ZIP Code groups in L602. Labeling:

1. Line 1: Use L602.

2. Line 2: ''STD MACH ASF,'' or ''STD NFM MACH ASF,'' as applicable.

d. BMC, required. Pallets must contain only parcels or NFMs for the 3-digit ZIP Code groups in L601. Labeling:

1. Line 1: Use L601.

2. Line 2: ''STD MACH BMC,'' or ''STD NFM MACH BMC,'' as applicable.

e. Origin Mixed BMC (required); no minimum; labeling:

1. Line 1: L601, Column B.

2. Line 2: ''STD MACH WKG,'' or ''STD NFM MACH WKG,'' as applicable.

f. Mixed BMC, optional. Labeling:

1. Line 1: ''MXD'' followed by information in L601, Column B, for BMC serving 3-digit ZIP Code prefix of entry Post Office (or labeled to plant serving entry Post Office if authorized by processing and distribution manager).

2. Line 2: ''STD MACH WKG,'' or ''STD NFM MACH WKG,'' as applicable.

[Revise the first sentence in renumbered 8.10.8, and add a new second sentence as follows:]

8.10.8 Standard Mail Irregular Parcels Weighing 2 Ounces or More

Mailers who palletize unbundled or unsacked irregular parcels must make pallets or pallet boxes when there are 250 pounds or more for the destination levels below for DMBC, DSCF, or DDU prices. When prepared at origin, a 200 pound minimum is required for the BMC price. * * *

[Revise items a through e and add new item f as follows:]

a. 5-digit scheme, required. Pallet or pallet box must contain parcels only for the same 5-digit scheme under L606. Mailers may combine NFMs weighing under 6 ounces with irregular parcels under 8.10.7. For 5-digit destinations not part of L606 prepare 5-digit pallets under 8.10.6b. Labeling:

1. Line 1: Use L606.

2. Line 2: ''STD IRREG 5D; followed by ''SCHEME'' (or ''SCH'').

b. 5-digit, required. Pallet or pallet box must contain parcels only for the same 5-digit ZIP Code. Labeling:

1. Line 1: city, state, and 5-digit ZIP Code destination (see 8.6.4c for overseas military mail).

2. Line 2: ''STD IRREG 5D.''

c. SCF, required. Allowed only for mail deposited at a DSCF to claim SCF price; labeling:

1. For Line 1, L002, Column C.

2. For Line 2, ''STD IRREG SCF.''

d. ASF, optional, but required for DBMC prices. Not available for the Buffalo NY ASF in L602. Pallets must contain only parcels or NFMs for the 3-digit ZIP Code groups in L602. Labeling:

1. Line 1: Use L602.

2. Line 2: ''STD IRREG ASF''.

e. BMC, required. Pallets must contain only parcels or NFMs for the 3-digit ZIP Code groups in L601. Labeling:

1. Line 1: Use L601.
2. Line 2: ''STD MACH BMC,'' ''STD IRREG BMC''.

f. Origin Mixed BMC (required); no minimum; labeling:
1. Line 1: L601, Column B.
2. Line 2: ''STD IRREG BMC''.

g. Mixed BMC, optional. Labeling:
1. Line 1: ''MXD'' followed by information in L601, Column B, for BMC serving 3-digit ZIP Code prefix of entry Post Office (or labeled to plant serving entry Post Office if authorized by processing and distribution manager).
2. Line 2: ''STD IRREG WKG''.

[Revise the first sentence in renumbered 8.10.9, and add a new second sentence as follows:]

8.10.9 Standard Mail Not Flat-Machinable Pieces Weighing Less Than 6 Ounces

Mailers must prepare pieces on pallets or in pallet boxes when there are 250 pounds or more of NFMs for the destination levels below for DMBC, DSCF, or DDU prices. When prepared at origin, a 200 pound minimum is required for the BMC price. * * *

[Revise items a through e and add new item f as follows:]

a. 5-digit scheme, required. Pallet or pallet box must contain NFMs only for the same 5-digit scheme under L606. For 5-digit destinations not part of L606 prepare 5-digit pallets under 8.10.7b. Labeling:
1. Line 1: Use L606.
2. Line 2: ''STD NFM 5D''; followed by ''SCHEME'' (or ''SCH'').

b. 5-digit, required. Pallet or pallet box must contain NFMs only for the same 5-digit ZIP Code. Labeling:
1. Line 1: city, state, and 5-digit ZIP Code destination (see 8.6.4c for overseas military mail).
2. Line 2: ''STD NFM 5D.''

c. SCF, required. Allowed only for mail deposited at a DSCF to claim SCF price; labeling:
1. For Line 1, L002, Column C.
2. For Line 2, ''STD NFM SCF.''

d. ASF, optional, but required for DBMC prices. Not available for the Buffalo NY ASF in L602. Pallets must contain only parcels or NFMs for the 3-digit ZIP Code groups in L602. Labeling:
1. Line 1: Use L602.
2. Line 2: ''STD NFM ASF.''

e. BMC, required. Pallets must contain only parcels or NFMs for the 3-digit ZIP Code groups in L601. Labeling:
1. Line 1: Use L601.
2. Line 2: ''STD NFM BMC''.

f. Origin Mixed BMC (required); no minimum; labeling:
1. Line 1: L601, Column B.
2. Line 2: ''STD NFM BMC''.

g. Mixed BMC, optional. Labeling:
1. Line 1: ''MXD'' followed by information in L601, Column B, for BMC serving 3-digit ZIP Code prefix of entry Post Office (or labeled to plant serving entry Post Office if authorized by processing and distribution manager).
2. Line 2: ''STD NFM WKG''.

* * * * *

[Add new 705.22 to describe the conditions for the Intelligent Mail full-service automation option originally published in August 2008 ***Federal Register*** *final rule as follows:]*

22.0 Full-Service Automation Option

22.1 Description

Access to full-service automation option benefits requires the use of Intelligent Mail barcodes to uniquely identify each mailpiece. In addition to the standards described in 22.2, all pieces entered under the full-service option must individually meet the eligibility requirements for automation prices according to their class and shape. Full-service automation mailings require Intelligent Mail barcodes on mailpieces; Intelligent Mail tray labels on trays and sacks; and Intelligent Mail container placards on pallets or similar containers (when created). Additional requirements include the use of an approved electronic method to transmit postage statements and mailing documentation to the USPS (describing how mailpieces are linked to trays or sacks, and containers, if applicable) and scheduling dropship appointments through the Facility Access and Shipment System (FAST) for destination bulk mail center, destination area distribution center, and destination sectional center facility dropshipments.

22.1.1 Basic Option Pieces Included in Full-Service Automation Mailings

Full-service automation option mailings may include pieces prepared under the basic automation option, but the basic automation option pieces will not be used to meet the eligibility standards for the full-service option and will not receive full-service benefits. Basic automation option pieces bear Intelligent Mail barcodes (under 708.4.0) and meet all eligibility requirements for automation prices.

22.1.2 POSTNET Pieces Included in Full-Service Automation Mailings

Full-service automation option mailings may include automation-compatible pieces bearing POSTNET barcodes. These pieces may not be used to meet the eligibility standards for the full-service option and will not receive full-service benefits.

22.2 Eligibility Standards

[The following introductory text of 22.2 is revised from the ***Federal Register*** *final rule published August 2008.]*

First-Class Mail, Periodicals, and Standard Mail letters and flats and Bound Printed Matter flats meeting eligibility requirements for automation or carrier route prices, except for Standard Mail ECR saturation flats or Standard Mail ECR letters paying ECR flats prices, are eligible for the full-service automation option.

All pieces entered under the full-service automation option must:

a. Bear a unique Intelligent Mail barcode.

b. Be part of a mailing using unique Intelligent Mail tray labels on all trays and sacks.

c. Be part of a mailing using unique Intelligent Mail container barcodes on all destination-entry pallets and other containers prepared under 705.8.0 or as part of a customer/supplier agreement. A customer/supplier agreement is authorized with a service agreement signed by the mailer, the USPS District Manager, Customer Service, and the USPS Processing and Distribution Center manager. The service agreement contains provisions regarding mailer and USPS responsibilities.

d. Be part of a mailing using an approved electronic method to transmit a postage statement and mailing documentation to the *PostalOne!* system.

e. Be scheduled for an appointment through the Facility Access and Shipment Tracking (FAST) system when deposited as a DBMC, DADC, or DSCF drop-shipment.

22.3 Preparation

22.3.1 Intelligent Mail Barcodes

Mailers must include an Intelligent Mail barcode on each mailpiece as described in 708.4 that accurately encodes the following fields:

a. Barcode ID.

b. Service Type ID.

c. Mailer ID. At the option of the mail owner, the Mailer ID field can be populated with the Mailer ID of the mail owner or mail preparer.

d. Serial number. Except for mail prepared under 22.4.3, each mailpiece must be encoded with a unique serial number. Mailers must ensure that these numbers remain unique for a period of at least 45 days. Serial numbers associated to an individual Mailer ID must not be duplicated within this 45-day period, regardless of the entry location.

e. Delivery point routing code. All Intelligent Mail barcodes must include an accurate delivery point routing code.

22.3.2 Intelligent Mail Tray Labels

All trays and sacks must contain accurately encoded Intelligent Mail tray labels as described in 708.6.5. Mailing documentation, when required, must associate each mailpiece to a corresponding tray or sack, if applicable, as described in 22.3.4. Each tray or sack must be encoded with a unique serial number. Tray or sack serial numbers associated to an individual Mailer ID cannot be duplicated within a 45-day period, regardless of the acceptance location.

22.3.3 Intelligent Mail Container Placards

All required pallets and similar containers (such as all-purpose containers, hampers, and gaylords) and all containers prepared under 705.8.0 in full-service mailings must display container placards that include accurately encoded Intelligent Mail container barcodes as described in 708.6.6. Mailing documentation, when required, must associate each mailpiece (and tray or sack, if applicable) to a corresponding container as described in 22.3.4, unless otherwise authorized by the USPS. Each container must be encoded with a unique serial number. Container barcodes must not be duplicated within a 45-day period, regardless of the acceptance location.

22.3.4 Electronic Documentation

Mailers must electronically submit postage statements and mailing documentation (when required) to the *PostalOne!* system. Unless otherwise authorized, documentation must describe how each mailpiece is linked to a uniquely identified tray or sack, if applicable, and how each mailpiece and tray or sack is linked to a uniquely identified container (if applicable). The documentation must also meet the requirements in *A Guide to Intelligent Mail for Letters and Flats* (available at *ribbs.usps.gov/*). Mailers must transmit postage statements and mailing documentation to the *PostalOne!* system using Mail.dat, Mail.XML, or Postal Wizard (see 22.4.3).

22.3.5 Scheduling Appointments

Mailers must schedule appointments using the Facility Access and Shipment Tracking (FAST) system for dropship mailings (except for mailings entered at a DDU) or as required in a customer/supplier agreement. Mailers may schedule appointments online using the FAST Web site at *fast.usps.com* or they may submit appointment requests through *PostalOne!* FAST Web Services at *www.uspspostalone.com*, using Mail.XML or Mail.XML with Mail.dat.

22.3.6 Preparation of Containers

Mailings under the full-service automation option may be containerized, when volume warrants, in uniquely identified containers by palletizing bundles, sacks, or trays under standards in 705.8. Mailers required to containerize must make all separations when the volume for any presort level meets a required sortation level, as described in 705.8.5.2 or in the customer/supplier agreement. Full-service mailings containerized under 705.8.0 or as part of a customer/supplier agreement must have Intelligent Mail container placards (under 708.6.6) on the containers.

22.4 Additional Standards

22.4.1 Induction Data

Mailers presenting mailings under the full-service automation option will receive mail induction information (start-the-clock data corresponding to the date and time when the USPS receives the mailing) at no additional charge.

22.4.2 Address Correction Notices

*[The following introductory text of 22.4.2 is revised from the **Federal Register** final rule published August 2008.]*

Mailers presenting mailpieces (except for those noted below) that qualify for the full-service option will receive automated address correction notices when the pieces are encoded with Intelligent Mail barcodes with ''Address Service Requested'' or ''Change Service Requested'' under standards for OneCode ACS and under the following conditions:

a. Address correction notices will be provided at no additional charge for letters and flats eligible for the full-service option, except for Standard Mail ECR flats, BPM flats dropshipped to DDUs, or BPM carrier route flats.

b. Mailpieces must include the appropriate service type ID in the Intelligent Mail barcode to match the ancillary service requested. See 507.1.5 for mail disposition and address correction combinations by class of mail.

c. A complementary ancillary service request option also must be recorded in the mailer's Address Change Service (ACS) mailer profile. See 507.4.2 for more information about ACS. Address correction notices for mailpieces in full-service mailings are available for:

1. First-Class Mail letters and flats, provided at no charge (printed endorsement not required for letters).

2. Periodicals letters and flats, provided at no charge up to 60 days from first notice (printed endorsement not required). See 507.4.1.1 for charges after 60 days.

3. Standard Mail letters and flats and BPM flats, provided at no charge up to 30 days from first notice. See 507.4.1.1 for charges after 30 days. Standard Mail and BPM pieces must include a printed on-piece endorsement in addition to encoding the ancillary service request into the Intelligent Mail barcode. See 507.4.2 for additional standards.

d. Mailers must use the address correction information provided by the USPS to update their address records in order to receive notices without paying additional fees.

22.4.3 Special Standards—Small Volume Mailings

For mailings of fewer than 10,000 pieces, and postage is affixed to each piece at the correct price or each piece is of identical weight and the mailpieces are separated by price, the serial number field of each Intelligent Mail barcode can be populated with a mailing serial number that is unique to the mailing but common to all pieces in the mailing. This unique mailing serial number must not be reused for a period of 45 days from the date of mailing. These mailings are not required to submit electronic documentation for full-service, only an electronic postage statement. Unique mailing serial numbers must be populated in the Postal Wizard entry screen field or in the Mail.XML messages. Mailers must populate the serial number field of all Intelligent Mail tray or sack labels, and Intelligent Mail container barcodes (when mailings are containerized) with the unique mailing serial number.

* * * * *

707 Periodicals

* * * * *

13.0 Carrier Route Eligibility

[Renumber current 13.4 as new 13.5, add new 13.4 as follows:]

13.4 Full-Service Intelligent Mail Eligibility Standards

In addition to other requirements in 6.0, carrier route letters and flats eligible for full-service Intelligent Mail prices (in November 2009) and address correction benefits under 705.22.4.2 must:

a. For carrier route letter, be letter-size under 201.1.0.

b. For carrier route flats, be flat-size under 301.1.0.

c. Be part of a carrier route mailing.

d. Bear an accurate Intelligent Mail barcode encoded with the correct delivery point routing code matching the delivery address and meeting the standards in 202.5.0 (for letters), 302.4.0 (for flats), and 708.4.0. Letters or flats with Intelligent Mail barcodes entered under the full-service automation option also must be part of mailings that meet the standards in 705.22.

* * * * *

14.0 Barcoded (Automation) Price Eligibility

14.1 Basic Standards

14.1.1 General

All pieces in a Periodicals barcoded (automation) price mailing must:

* * * * *

[Revise item c of 14.1.1 to describe new standards for barcoded Periodicals mailings as follows:]

c. Bear an accurate delivery point POSTNET barcode or an Intelligent Mail barcode encoded with the delivery point routing code, matching the delivery address and meeting the standards in 202.5.0 (for letters), 302.4.0 (for flats), and 708.4.0. Mailers must apply the barcode either on the piece or on an insert showing through a window.

* * * * *

708 Technical Specifications

* * * * *

6.0 Standards for Barcoded Tray Labels, Sack Labels, and Container Placards

* * * * *

6.2 Specifications for Barcoded Tray and Sack Labels

* * * * *

6.2.4 3-Digit Content Identifier Numbers

* * * * *

Exhibit 6.2.4 3-Digit Content Identifier Numbers

* * * * *

Standard Mail

* * * * *

STD Not Flat-Machinable Pieces Less Than 6 Ounces—Nonautomation

[Revise as follows:]

5-digit scheme sacks	500	STD NFM 5D SCH
5-digit sacks	500	STD NFM 5D
SCF sacks	507	STD NFM SCF
ASF sacks	509	STD NFM ASF
BMC sacks	505	STD NFM BMC
mixed BMC sacks	506	STD NFM WKG

STD Not Flat-Machinable Pieces 6 Ounces Or More—Nonautomation

[Revise as follows:]

5-digit scheme sacks	500	STD NFM MACH 5D SCH
5-digit sacks	500	STD NFM MACH 5D
SCF sacks	512	STD NFM MACH SCF
ASF sacks	503	STD NFM MACH ASF
BMC sacks	514	STD NFM MACH BMC
mixed BMC sacks	518	STD NFM MACH WKG

* * * * *

STD Irregular Parcels—Presorted

[Revise as follows:]

STD Irregular Parcels—Presorted

5-digit scheme sacks	590	STD IRREG 5D SCH
5-digit sacks	590	STD IRREG 5D
SCF sacks	596	STD IRREG SCF
ASF sacks	571	STD IRREG ASF
BMC sacks	570	STD IRREG BMC
mixed BMC sacks	594	STD IRREG WKG

* * * * *

6.6 Intelligent Mail Container Placards (Labels)

* * * * *

6.6.2 Intelligent Mail Container Placard Configurations

Intelligent Mail container placards may be produced in two configurations:

[Revise items a and b to delete redundant text and replace with references as follows:]

a. Affixed placard measuring at least 8 inches by 11 inches. See 6.6.3 for placard specifications and 6.6.5 placard placement.

b. Optional self-adhesive placard measuring at least 4 inches by 7 inches. Placards may be prepared in the optional format (see 6.6.6) affixed to the outside of any shrinkwrap or plastic by a self-adhesive or other adhesive means.

* * * * *

6.6.5 Placard Requirements

Mailers using placards bearing Intelligent Mail container barcodes must:

[Revise item a to reflect that pallet placards bearing Intelligent Mail container barcodes do not need to be self-adhesive and affixed to the outside of the plastic wrap until November 29, 2009 by revising the 2nd sentence and adding a new 3rd sentence as follows:]

a. * * * Prior to November 29, 2009, placards measuring at least 8 inches by 11 inches may be affixed to pallets under 705.8.6.1. Effective November 29, 2009, placards must be affixed by self-adhesive or other adhesive means that will not obscure any required element of the placard and remain secure throughout USPS processing.

* * * * *

7.0 Optional Endorsement Lines (OEL)

* * * * *

7.2 OEL Format

* * * * *

Exhibit 7.2.5. OEL Labeling Lists

[Revise exhibit 7.2.5 by removing the ''irregular parcels'' row from the Standard Mail table and deleting footnote 3.]

* * * * *

Index and Appendices

* * * * *

Labeling Lists

* * * * *

L000 General Use

* * * * *

[Revise the heading and text of L009 to delete ''Standard Mail'' as follows:]

L009 Mixed ADCs—Periodicals, Package Services Flats, and Irregular Parcels

Mailers must use L009 to label mixed ADC bundles and sacks of Periodicals, Bound Printed Matter, Media Mail, and Library Mail flats. Mailers also must use L009 to label mixed ADC bundles and sacks containing Periodicals irregular parcels; and Bound Printer Matter irregular parcels.

* * * * *

L600 Standard Mail and Package Services

L601 BMCs

L601 describes the service area by individual 3-digit ZIP Code prefix for sorting mail to BMC destinations. Use this list for:

[Revise item a to include all Standard Mail parcels and NFMs as follows;]

a. Standard Mail parcels and NFMs except ASF mail (other than mail for the Buffalo ASF service area) prepared and claimed at DBMC rates. Parcels and NFMs for the Buffalo ASF service area prepared and claimed at DBMC rates must be sorted to the Pittsburgh BMC.

* * * * *

L602 ASFs

L602 describes the service area by individual 3-digit ZIP Code prefix for Standard Mail and Package Services

mail that must be sorted to ASFs. Use this list for:

[Revise item a to include all Standard Mail parcels and NFMs as follows;]

a. Standard Mail parcels and NFMs if ASF mail (other than mail for the Buffalo ASF service area) prepared and claimed at DBMC rates. Parcels and NFMs for the Buffalo ASF service area prepared and claimed at DBMC rates must be sorted to the Pittsburgh BMC under L601.

* * * * *

[Delete Labeling Lists L603 and L604 in their entirety.]

* * * * *

We will publish an appropriate amendment to 39 CFR Part 111 to reflect these changes.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. E9–3481 Filed 2–20–09; 8:45 am]

BILLING CODE 7710–12–P

Proposed Rules

Federal Register
Vol. 74, No. 34
Monday, February 23, 2009

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0136; Directorate Identifier 2008–NM–171–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Boeing Model 747 airplanes. This proposed AD would require repetitive inspections for cracking of the fuselage frames in section 41, and corrective actions if necessary. This proposed AD results from reports of cracking in fuselage frames made of 2024 aluminum alloy that were installed during previous modification of the frames in section 41 and during production. We are proposing this AD to detect and correct frame cracks, which could result in cracking of the adjacent fuselage skin and consequent rapid decompression of the airplane.

DATES: We must receive comments on this proposed AD by April 9, 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, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1, fax 206–766–5680; e-mail *me.boecom@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–2009–0136; Directorate Identifier 2008–NM–171–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.

Other Related Rulemaking

On January 16, 1990, we issued AD 90–06–06, amendment 39–6490 (55 FR 8374, March 7, 1990), for certain Boeing Model 747 airplanes. That AD requires incorporation of certain structural modifications. That AD resulted from reports of incidents involving fatigue cracking and corrosion in transport category airplanes that are approaching or have exceeded their design life goal. These incidents jeopardized the airworthiness of the affected airplanes. We issued that AD to correct degradation in the structural capabilities of the affected airplanes. The requirements in that AD reflect the FAA's decision that long-term continued operational safety should be ensured by actual modification of the airframe rather than repetitive inspection.

On December 26, 2007, we issued AD 2004–07–22 R1, amendment 39–15326 (73 FR 1052, January 7, 2008), for certain Boeing Model 747 airplanes. That AD requires that the FAA-approved maintenance inspection program be revised to include inspections that will give no less than the required damage tolerance rating for each structural significant item, and repair of cracked structure. That AD resulted from a report of incidents involving fatigue cracking in transport category airplanes that are approaching or have exceeded their design service objective. We issued that AD to ensure the continued structural integrity of 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.

Discussion

We have received reports of cracking in fuselage frames made of 2024 aluminum alloy material that were installed during previous modification of frames in section 41 required by AD 90–06–06. One crack was in the frame web at body station 340, at a fastener location common to the upper chord of the upper deck floor beams. The other crack was in the frame web and doubler at body station 420 and was also at a fastener location common to the upper deck floor beams. The frame crack in body station 340 was found 9,757 flight

cycles after the 2024 aluminum alloy frame was installed during modification of the frames in section 41. The frame crack in body station 420 was found 6,441 flight cycles after the 2024 aluminum alloy frame was installed during modification of the frames in section 41. This condition, if not corrected, could result in cracking of the adjacent fuselage skin and consequent rapid decompression of the airplane.

Relevant Service Information

We have reviewed Boeing Alert Service Bulletins 747–53A2732 and 747–53A2753, both dated August 28, 2008. Boeing Alert Service Bulletins 747–53A2732 and 747–53A2753, both dated August 28, 2008, describe procedures for repetitive internal detailed inspections for cracking of the fuselage frames in section 41, and corrective actions if necessary. Boeing Alert Service Bulletins 747–53A2732 and 747–53A2753, both dated August 28, 2008, also describe procedures for an optional special detailed inspection behind the flight engineers panel on the upper deck and the P14 and P15 electrical terminal panels using a borescope. The corrective actions include repairing any crack found during any inspection in accordance with the applicable Work Instructions, or by contacting Boeing for repair data.

The compliance times for the initial inspections specified in Boeing Alert Service Bulletin 747–53A2732 range from before the accumulation of 10,000 or 20,000 flight cycles depending on airplane configuration and location since modification of the frames in section 41 was done, or for airplanes on which 2024 aluminum alloy material was installed in production, 20,000 total flight cycles, or within 1,500 flight cycles after the date on this service bulletin; whichever occurs latest. The inspections must be repeated at intervals not to exceed 3,000 or 6,000 flight cycles, as applicable.

The compliance times for the initial inspections specified in Boeing Alert Service Bulletin 747–53A2753 range from before the accumulation of 15,000 or 30,000 total flight cycles depending on airplane configuration, or within 1,000 flight cycles after the date on this service bulletin, whichever occurs later. If no cracks are found or the cracks have been repaired, the inspections must be repeated at intervals not to exceed 2,400 or 3,000 flight cycles, as applicable.

FAA's Determination and Requirements of This Proposed AD

We are proposing this AD because we evaluated all relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of these same type designs. This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between the Proposed AD and Alert Service Bulletins.''

Differences Between the Proposed AD and Alert Service Bulletins

Boeing Alert Service Bulletins 747–53A2732 and 747–53A2753, both dated August 28, 2008, specify that you may contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD requires you to repair those conditions in one of the following ways:

- Using a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by an Authorized Representative for the Boeing Delegation Option Authorization Organization who has been authorized by the FAA to make those findings.

Costs of Compliance

We estimate that this proposed AD would affect 165 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

TABLE—ESTIMATED COSTS

Inspection	Work hours	Average labor rate per hour	Cost per product	Number of U.S-registered airplanes	Fleet cost
Boeing Alert Service Bulletin 747–53A2732, Part 1.	50	$80	Up to $4,000, per inspection cycle.	94	Up to $376,000, per inspection cycle.
Boeing Alert Service Bulletin 747–53A2732, Part 2.	650	80	Up to $52,000, per inspection cycle.	94	Up to $4,888,000, per inspection cycle.
Boeing Alert Service Bulletin 747–53A2732, Part 3.	6	80	$480, per inspection cycle	94	Up to $45,120, per inspection cycle.
Boeing Alert Service Bulletin 747–53A2732, Part 4.	51	80	Up to $4,080, per inspection cycle.	94	Up to $383,520, per inspection cycle.
Boeing Alert Service Bulletin 747–53A2732, Part 5.	11	80	Up to $880, per inspection cycle.	94	Up to $82,720, per inspection cycle.
Boeing Alert Service Bulletin 747–53A2732, Part 6.	52	80	Up to $4,160, per inspection cycle.	94	Up to $391,040, per inspection cycle.
Boeing Alert Service Bulletin 747–53A2732, Part 7.	13	80	Up to $1,040, per inspection cycle.	94	Up to $97,760, per inspection cycle.
Boeing Alert Service Bulletin 747–53A2732, Part 8.	54	80	Up to $4,320, per inspection cycle.	94	Up to $406,080, per inspection cycle.
Boeing Alert Service Bulletin 747–53A2753.	244	80	Up to $19,520, per inspection cycle.	71	Up to $1,385,920, 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 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–2009–0136; Directorate Identifier 2008–NM–171–AD.

Comments Due Date

(a) We must receive comments by April 9, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 747 airplanes, certificated in any category, as specified in paragraph (c)(1) or (c)(2) of this AD, as applicable.

(1) Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP series airplanes, as identified in Boeing Alert Service Bulletin 747–53A2732, dated August 28, 2008.

(2) Boeing Model 747–400, 747–400D, and 747–400F series airplanes, as identified in Boeing Alert Service Bulletin 747–53A2753, dated August 28, 2008.

Subject

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

Unsafe Condition

(e) This AD results from reports of cracking in fuselage frames made of 2024 aluminum alloy that were installed during previous modification of the frames in section 41 and during production. We are issuing this AD to detect and correct frame cracks which could result in cracking of the adjacent fuselage skin and consequent rapid decompression of the airplane.

Compliance

(f) Comply with this AD within the compliance times specified, unless already done.

Repetitive Inspections and Corrective Actions

(g) At the applicable compliance time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2732 or 747–53A2753, both dated August 28, 2008, as applicable, do the detailed inspection for cracking of the fuselage frames in section 41, and do all applicable corrective actions, by accomplishing all the actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2732 or 747–53A2753, both dated August 28, 2008, as applicable; except as provided by paragraphs (g) and (h) of this AD. Repeat the inspection at intervals not to exceed those specified in paragraph 1.E. of Boeing Alert Service Bulletin 747–53A2732 or 747–53A2753, both dated August 28, 2008, as applicable. If any crack is found, do all corrective actions before further flight.

Note 1: As specified in Boeing Alert Service Bulletins 747–53A2732 and 747–53A2753, both dated August 28, 2008, an optional special detailed inspection behind the P14 and P15 electrical terminal panels using the borescope may be done.

(h) Where Boeing Alert Service Bulletins 747–53A2732 and 747–53A2753, both dated August 28, 2008, recommend an initial inspection threshold relative to the date on Boeing Alert Service Bulletins 747–53A2732 and 747–53A2753, both dated August 28, 2008; this AD requires the initial inspection threshold relative to the effective date of this AD.

(i) If any crack is found during any inspection required by this AD, and Boeing Alert Service Bulletins 747–53A2732 and 747–53A2753, both dated August 28, 2008, specify to contact Boeing for appropriate action: Before further flight, repair the cracking 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 has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to 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.

(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), as appropriate, 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. E9–3771 Filed 2–20–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0137; Directorate Identifier 2008–NM–201–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330–200 and –300, and A340–200 and –300, Series Airplanes

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) 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:

Several reports have been received from A330 and A340 operators concerning chafing of the electrical harness behind the lavatory, located at L (level) 53, resulting in a number of short-circuits. This harness contains cables for lighting, plugs, loudspeakers and oxygen controls and indications.

This condition, if not corrected, could lead to the short circuit of wires dedicated to oxygen, which, in case of emergency, could

result in a large number of passenger oxygen masks (up to 32% of all seats) not being supplied with oxygen, possibly causing personal injuries.

* * * * *

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by March 25, 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.

For service information identified in this proposed AD, contact Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; fax +33 5 61 93 45 80, e-mail *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.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 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 in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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:

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–2009–0137; Directorate Identifier 2008–NM–201–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 we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2008–0161, dated August 25, 2008 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Several reports have been received from A330 and A340 operators concerning chafing of the electrical harness behind the lavatory, located at L (level) 53, resulting in a number of short-circuits. This harness contains cables for lighting, plugs, loudspeakers and oxygen controls and indications.
>
> This condition, if not corrected, could lead to the short circuit of wires dedicated to oxygen, which, in case of emergency, could result in a large number of passenger oxygen masks (up to 32% of all seats) not being supplied with oxygen, possibly causing personal injuries.
>
> For the reasons described above, AD 2008–0154 was issued to require a wiring modification of the affected harnesses on right and left sides of the passenger compartment between frames (FR) 39.1 and 39.2 and between FR 53.3 and 53.4, on pre-modification 48825 aircraft (i.e. non-enhanced cabin).
>
> Since that AD was issued, it has been found that due to discrepancies in the referenced Airbus Service Bulletin (SB) at original issue, the modification should have been mandated at Revision 1 of the SB, rather than indicating that application of the SB at original issue is acceptable.
>
> For that reason, this EASA AD retains the requirements of EASA AD 2008–0154, which is superseded, amends the requirement to specify that the SB must be accomplished at Revision 1 and that for aircraft on which the SB at original issue has already been accomplished, additional work must be done.

The modification includes rerouting the affected electrical harnesses and replacing certain wiring mounts and brackets in the passenger compartment. For all airplanes, additional work is required. The additional work includes interchanging certain fixed brackets and modifying certain wiring routing. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Airbus has issued Mandatory Service Bulletin A330–92–3066, Revision 01, dated August 1, 2008; and Mandatory Service Bulletin A340–92–4071, Revision 02, dated November 28, 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 Proposed 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 proposing 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.

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 proposed 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 proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 9 products of U.S. registry. We also estimate that it would take about 210 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Required parts would 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 costs. 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 the proposed AD on U.S. operators to be $151,200, or $16,800 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.

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, 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:

Airbus: Docket No. FAA–2009–0137; Directorate Identifier 2008–NM–201–AD.

Comments Due Date

(a) We must receive comments by March 25, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes; and Model A340–211, –212, –213, –311, –312, and –313 airplanes; all manufacturer serial numbers, certificated in any category, except those on which Airbus Modification 48825 has been embodied in production.

Subject

(d) Air Transport Association (ATA) of America Code 92.

Reason

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

Several reports have been received from A330 and A340 operators concerning chafing of the electrical harness behind the lavatory, located at L (level) 53, resulting in a number of short-circuits. This harness contains cables for lighting, plugs, loudspeakers and oxygen controls and indications.

This condition, if not corrected, could lead to the short circuit of wires dedicated to oxygen, which, in case of emergency, could result in a large number of passenger oxygen masks (up to 32% of all seats) not being supplied with oxygen, possibly causing personal injuries.

For the reasons described above, AD 2008–0154 was issued to require a wiring modification of the affected harnesses on right and left sides of the passenger compartment between frames (FR) 39.1 and 39.2 and between FR 53.3 and 53.4, on pre-modification 48825 aircraft (i.e., non-enhanced cabin).

Since that AD was issued, it has been found that due to discrepancies in the referenced Airbus Service Bulletin (SB) at original issue, the modification should have been mandated at Revision 1 of the SB, rather than indicating that application of the SB at original issue is acceptable.

For that reason, this EASA AD retains the requirements of EASA AD 2008–0154, which is superseded, amends the requirement to specify that the SB must be accomplished at Revision 1 and that for aircraft on which the SB at original issue has already been accomplished, additional work must be done.

The modification includes rerouting the affected electrical harnesses and replacing certain wiring mounts and brackets in the passenger compartment. For all airplanes, additional work is required. The additional work includes interchanging certain fixed brackets and modifying certain wiring routing.

Actions and Compliance

(f) Unless already done, within 20 months after the effective date of this AD, do the following actions, as applicable.

(1) Except as required by paragraph (f)(2) of this AD, modify the affected passenger compartment electrical harnesses, including the ''ADDITIONAL WORK,'' in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330–92–3066, Revision 01, dated August 1, 2008; or Airbus Mandatory Service Bulletin A340–92–4071, Revision 02, dated November 28, 2008; as applicable.

(2) For airplanes that have already been modified prior to the effective date of this AD in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–92–3066, dated November 27, 2007; or Airbus Service Bulletin A340–92–4071, dated November 27, 2007; as applicable: Accomplish the ''ADDITIONAL WORK'' in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330–92–3066, Revision 01, dated August 1, 2008; or the ''ADDITIONAL WORK'' in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A340–92–4071, Revision 02, dated November 28, 2008; as applicable.

(3) Actions accomplished according to Airbus Mandatory Service Bulletin A340–92–4071, Revision 01, dated August 1, 2008, including the ''ADDITIONAL WORK,'' as applicable, are acceptable for complying with the 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: 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: 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 2008–0161, dated August 25, 2008; Airbus Mandatory Service Bulletin A330–92–3066, Revision 01, dated August 1, 2008; and Airbus Mandatory Service Bulletin A340–92–4071, Revision 01, dated August 1, 2008, and Revision 02, dated November 28, 2008; for related information.

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–3776 Filed 2–20–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0044; Directorate Identifier 2008–NM–132–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601), CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604) Airplanes

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) 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:

There have been several Stick Pusher Capstan Shaft failures causing the dormant loss or severe degradation of the stick pusher function. * * *

Dormant loss or severe degradation of the stick pusher function could result in reduced controllability of the airplane. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by March 25, 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.

For service information identified in this proposed AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; e-mail *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.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 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 in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Bruce Valentine, 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) 228–7328; fax (516) 794–5531.

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–2009–0044; Directorate Identifier 2008–NM–132–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 we receive about this proposed AD.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2008–12, dated February 8, 2008 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

There have been several Stick Pusher Capstan Shaft failures causing the dormant loss or severe degradation of the stick pusher function. This directive is issued to revise the first flight of the day check [in the Airplane Flight Manual] of the stall protection system to detect a degradation of the stick pusher function. It also introduces a new periodic maintenance task [in the Airworthiness Limitations Section of the Instructions for Continuing Airworthiness] to check the structural integrity of the stick pusher capstan shaft.

Dormant loss or severe degradation of the stick pusher function could result in reduced controllability of the airplane. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Bombardier has issued the temporary revisions listed in the tables titled ''Temporary Revisions to the Airplane Flight Manual'' and ''Temporary Revisions to the Airworthiness Limitations Section.'' The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

TEMPORARY REVISIONS TO THE AIRPLANE FLIGHT MANUAL

For Bombardier model—	Use Canadair temporary revision—	Dated—	To the Normal Procedures section of—
CL–600–1A11 (CL–600) airplanes	600/23	January 30, 2007	Canadair Challenger CL–600–1A11 AFM.
CL–600–1A11 (CL–600) airplanes	600–1/18	January 30, 2007	Canadair Challenger CL–600–1A11 AFM (Winglets).
CL–600–2A12 (CL–601) airplanes	601/15	January 30, 2007	Canadair Challenger CL–600–2A12 AFM, PSP 601–1B–1.
CL–600–2A12 (CL–601) airplanes	601/16	January 30, 2007	Canadair Challenger CL–600–2A12 AFM, PSP 601–1A–1.
CL–600–2A12 (CL–601) airplanes	601/20	January 30, 2007	Canadair Challenger CL–600–2A12 AFM, PSP 601–1B.
CL–600–2A12 (CL–601) airplanes	601/28	January 30, 2007	Canadair Challenger CL–600–2A12 AFM.
CL–600–2B16 (CL–601–3A, and CL–601–3R) airplanes.	601/27	January 30, 2007	Canadair Challenger CL–600–2B16 AFM, PSP 601A–1.
CL–600–2B16 (CL–601–3A, and CL–601–3R) airplanes.	601/28	January 30, 2007	Canadair Challenger CL–600–2B16 AFM, PSP 601A–1–1.
CL–600–2B16 (CL–604) airplanes	604/22	January 30, 2007	Canadair Challenger CL–604 AFM, PSP 604–1.

TEMPORARY REVISIONS TO THE AIRWORTHINESS LIMITATIONS SECTION

For Bombardier model—	Use Canadair temporary revision—	Dated—	To the Airworthiness Limitations section of—
CL–600–1A11 (CL–600) airplanes	5–138	June 26, 2007	Canadair Challenger Time Limits/Maintenance Checks (TLMC), PSP 605, Chapter 5, Section 5–10–30.
CL–600–2A12 (CL–601) airplanes	5–226	June 26, 2007	Canadair Challenger TLMC, PSP 601–5, Chapter 5, Section 5–10–30.
CL–600–2B16 (CL–601–3A, and CL–601–3R) airplanes.	5–239	June 26, 2007	Canadair Challenger TLMC, PSP 601A–5, Chapter 5, Section 5–10–30.
CL–600–2B16 (CL–604) airplanes	5–2–32	May 31, 2007	Canadair Challenger CL–604 TLMC, Chapter 5, Section 5–10–40.

FAA's Determination and Requirements of This Proposed 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 proposing 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.

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 proposed 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 proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect 707 products of U.S. registry. We also estimate that it would take 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $56,560, 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 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, 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:

Bombardier, Inc. (Formerly Canadair): Docket No. FAA–2009–0044; Directorate Identifier 2008–NM–132–AD.

Comments Due Date

(a) We must receive comments by March 25, 2009.

Affected ADs

(b) None.

Applicability

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

TABLE 1—APPLICABILITY

Bombardier model—	Serial Nos.—
CL–600–1A11 (CL–600) airplanes	1004 through 1085 inclusive.
CL–600–2A12 (CL–601) airplanes	3001 through 3066 inclusive.
CL–600–2B16 (CL–601–3A, CL–601–3R) airplanes	5001 through 5194 inclusive.
CL–600–2B16 (CL–604) airplanes	5301 through 5665 inclusive.

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 27: Flight Controls.

Reason

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

There have been several Stick Pusher Capstan Shaft failures causing the dormant loss or severe degradation of the stick pusher function. This directive is issued to revise the first flight of the day check [in the Airplane Flight Manual] of the stall protection system to detect a degradation of the stick pusher function. It also introduces a new periodic maintenance task [in the Airworthiness Limitations Section of the Instructions for Continuing Airworthiness] to check the structural integrity of the stick pusher capstan shaft.

Dormant loss or severe degradation of the stick pusher function could result in reduced controllability of the airplane.

Actions and Compliance

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

(1) Within 30 days after the effective date of this AD: Revise the Normal Procedures section of the applicable airplane flight manual (AFM) by inserting a copy of the applicable TR listed in Table 2 of this AD. Thereafter, operate the airplanes per the procedures specified in the applicable TR, except as provided by paragraph (g)(1) of this AD. If the operator has an AFM that is not listed in Table 2 of this AD, within 30 days after the effective date of this AD, revise the AFM using a method approved by the FAA or Transport Canada Civil Aviation (TCCA) (or its delegated agent).

TABLE 2—TEMPORARY REVISIONS TO THE AFM

For Bombardier model—	Use Canadair temporary revision—	Dated—	To the Normal Procedures section of—
CL–600–1A11 (CL–600) airplanes	600/23	January 30, 2007	Canadair Challenger CL–600–1A11 AFM.
CL–600–1A11 (CL–600) airplanes	600–1/18	January 30, 2007	Canadair Challenger CL–600–1A11 AFM (Winglets).
CL–600–2A12 (CL–601) airplanes	601/15	January 30, 2007	Canadair Challenger CL–600–2A12 AFM, PSP 601–1B–1.
CL–600–2A12 (CL–601) airplanes	601/16	January 30, 2007	Canadair Challenger CL–600–2A12 AFM, PSP 601–1A–1.
CL–600–2A12 (CL–601) airplanes	601/20	January 30, 2007	Canadair Challenger CL–600–2A12 AFM, PSP 601–1B.
CL–600–2A12 (CL–601) airplanes	601/28	January 30, 2007	Canadair Challenger CL–600–2A12 AFM.
CL–600–2B16 (CL–601–3A, and CL–601–3R) airplanes.	601/27	January 30, 2007	Canadair Challenger CL–600–2B16 AFM, PSP 601A–1.
CL–600–2B16 (CL–601–3A, and CL–601–3R) airplanes.	601/28	January 30, 2007	Canadair Challenger CL–600–2B16 AFM, PSP 601A–1–1.
CL–600–2B16 (CL–604) airplanes	604/22	January 30, 2007	Canadair Challenger CL–604 AFM, PSP 604–1.

(2) When information identical to that in a TR specified in paragraph (f)(1) of this AD has been included in the general revisions of the applicable AFM, the general revisions may be inserted into the AFM, and the TR may be removed from that AFM.

(3) Within 30 days after the effective date of this AD: Revise the Airworthiness Limitations section of the Instructions for Continued Airworthiness by incorporating the applicable task in the TR listed in Table 3 of this AD. For all tasks identified in the TRs, the initial compliance time starts from the later of the times specified in paragraph (f)(3)(i) and (f)(3)(ii) of this AD. Thereafter, except as provided by paragraph (g)(1) of this AD, no alternative maintenance task intervals may be used.

(i) Within the compliance time specified in the ''Check Interval'' or ''Task Interval,'' as applicable, after the effective date of this AD.

(ii) Within the compliance time specified in the ''Check Interval'' or ''Task Interval,'' as applicable, after the date of issuance of the original Canadian airworthiness certificate or the date of issuance of the original Canadian export certificate of airworthiness.

TABLE 3—TEMPORARY REVISIONS TO THE AIRWORTHINESS LIMITATIONS SECTION

For Bombardier model—	Use Canadair temporary revision—	Dated—	To the Airworthiness Limitations section of—
CL–600–1A11 (CL–600) airplanes	5–138	June 26, 2007	Canadair Challenger Time Limits/Maintenance Checks (TLMC), PSP 605, Chapter 5, Section 5–10–30.
CL–600–2A12 (CL–601) airplanes	5–226	June 26, 2007	Canadair Challenger TLMC, PSP 601–5, Chapter 5, Section 5–10–30.
CL–600–2B16 (CL–601–3A, and CL–601–3R) airplanes.	5–239	June 26, 2007	Canadair Challenger TLMC, PSP 601A–5, Chapter 5, Section 5–10–30.
CL–600–2B16 (CL–604) airplanes	5–2–32	May 31, 2007	Canadair Challenger CL–604 TLMC, Chapter 5, Section 5–10–40.

(4) When the information in applicable TR listed in Table 3 of this AD has been included in the general revisions of the applicable chapter of the Airworthiness Limitations section, the TR may be removed from the Airworthiness Limitations section of the Instruction for Continued Airworthiness.

FAA AD Differences

Note 2: 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, 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: Bruce Valentine, 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) 228–7328; fax (516) 794–5531. 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.

(4) *Special Flight Permits:* Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are not allowed.

Related Information

(h) Refer to MCAI Canadian Airworthiness Directive CF–2008–12, dated February 8, 2008, and the service information listed in Table 4 of this AD, for related information.

TABLE 4—ALL SERVICE INFORMATION

Canadair TR—	Dated—	To the—
5–138	June 26, 2007	Canadair Challenger TLMC, PSP 605, Chapter 5, Section 5–10–30.
600/23	January 30, 2007	Canadair Challenger CL–600–1A11 AFM.
600–1/18	January 30, 2007	Canadair Challenger CL–600–1A11 AFM (Winglets).
5–226	June 26, 2007	Canadair Challenger TLMC, PSP 601–5, Chapter 5, Section 5–10–30.
601/15	January 30, 2007	Canadair Challenger CL–600–2A12 AFM, PSP 601–1B–1.
601/16	January 30, 2007	Canadair Challenger CL–600–2A12 AFM, PSP 601–1A–1.
601/20	January 30, 2007	Canadair Challenger CL–600–2A12 AFM, PSP 601–1B.
601/28	January 30, 2007	Canadair Challenger CL–600–2A12 AFM.
5–239	June 26, 2007	Canadair Challenger TLMC, PSP 601A–5, Chapter 5, Section 5–10–30.
601/27	January 30, 2007	Canadair Challenger CL–600–2B16 AFM, PSP 601A–1.
601/28	January 30, 2007	Canadair Challenger CL–600–2B16 AFM, PSP 601A–1–1.
5–2–32	May 31, 2007	Canadair Challenger CL–604 TLMC, Chapter 5, Section 5–10–40.
604/22	January 30, 2007	Canadair Challenger CL–604 AFM, PSP 604–1.

Issued in Renton, Washington, on January 15, 2009.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–3778 Filed 2–20–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0005; Directorate Identifier 2008–NM–164–AD]

RIN 2120–AA64

Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, and C–212–DE Airplanes

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) 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:

Incidents have been reported on Britten-Norman BN–2 aircraft, where cracks were found in the inner shell of the pitot/static pressure heads. The investigation concluded that these pitot tubes, supplied by Thales Optronics, could be operated outside their voltage specification. On December 15th, 2005, CAA [Civil Aviation Authority] United Kingdom issued AD G–2005–0034 (EASA approval number 2005–6447), later superseded by EASA AD 2006–0143, to require inspections and leak tests on Britten-Norman aircraft. Subsequently, it has been discovered that the same tubes are supplied to EADS–CASA for installation on C–212 aircraft, one for the pilot side and one for the co-pilot side. So far, EADS–CASA has not received any report of cracked pitot tubes from C–212 operators.

This condition, if not corrected, could result in incorrect readings on the pressure instrumentation, e.g., altimeters, vertical speed indicators (rate of climb) and airspeed indicators, potentially leading to navigational errors.

The unsafe condition could reduce the ability of the flightcrew to maintain the safe flight and landing of the airplane. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by March 25, 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.

For service information identified in this proposed 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.* 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 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 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:

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–2009–0005; Directorate Identifier 2008–NM–164–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 we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2008–0155, dated August 11, 2008 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

Incidents have been reported on Britten-Norman BN–2 aircraft, where cracks were found in the inner shell of the pitot/static pressure heads. The investigation concluded that these pitot tubes, supplied by Thales Optronics, could be operated outside their voltage specification. On December 15th, 2005, CAA [Civil Aviation Authority] United Kingdom issued AD G–2005–0034 (EASA approval number 2005–6447), later superseded by EASA AD 2006–0143, to require inspections and leak tests on Britten-Norman aircraft. Subsequently, it has been discovered that the same tubes are supplied to EADS–CASA for installation on C–212 aircraft, one for the pilot side and one for the co-pilot side. So far, EADS–CASA has not received any report of cracked pitot tubes from C–212 operators.

This condition, if not corrected, could result in incorrect readings on the pressure instrumentation, e.g., altimeters, vertical speed indicators (rate of climb) and airspeed indicators, potentially leading to navigational errors.

For the reasons described above, this EASA AD requires the inspection of the affected pitot tubes, and, if cracks are found, replacement of those tubes with the new P/N [part number] 212–A0150–0001 and 212–A0150–0002 pitot tubes.

The unsafe condition could reduce the ability of the flightcrew to maintain the safe flight and landing of the airplane. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

CASA has issued Chapter 5 of the C–212 Series 100/200 Maintenance Manual, Revision 2, dated June 11, 2002; and Service Bulletin SB–212–34–11, Revision 1, dated February 27, 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 Proposed 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 proposing 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.

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 proposed 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 proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 32 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $2,560, 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 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, 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:

Construcciones Aeronauticas, S.A. (CASA): Docket No. FAA–2009–0005; Directorate Identifier 2008–NM–164–AD.

Comments Due Date

(a) We must receive comments by March 25, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to CASA Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, and C–212–DE airplanes, all serial numbers; certificated in any category; on which pitot tubes having part number 212–61105.1 or 212–61105.2 are installed.

Subject

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

Reason

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

Incidents have been reported on Britten-Norman BN–2 aircraft, where cracks were found in the inner shell of the pitot/static pressure heads. The investigation concluded that these pitot tubes, supplied by Thales Optronics, could be operated outside their voltage specification. On December 15th, 2005, CAA [Civil Aviation Authority] United Kingdom issued AD G–2005–0034 (EASA approval number 2005–6447), later superseded by EASA AD 2006–0143, to require inspections and leak tests on Britten-Norman aircraft. Subsequently, it has been discovered that the same tubes are supplied to EADS–CASA for installation on C–212 aircraft, one for the pilot side and one for the co-pilot side. So far, EADS–CASA has not received any report of cracked pitot tubes from C–212 operators.

This condition, if not corrected, could result in incorrect readings on the pressure instrumentation, e.g., altimeters, vertical speed indicators (rate of climb) and airspeed indicators, potentially leading to navigational errors.

For the reasons described above, this EASA AD requires the inspection of the affected pitot tubes, and, if cracks are found, replacement of those tubes with the new P/N [part number] 212–A0150–0001 and 212–A0150–0002 pitot tubes.

The unsafe condition could reduce the ability of the flightcrew to maintain the safe flight and landing of the airplane.

Actions and Compliance

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

(1) Within 1 month or 300 flight hours after the effective date of this AD, whichever occurs first: Perform a detailed inspection of the affected pitot tubes and static inlets for radial cracking around the top lip of the dynamic port in accordance with the instructions of Chapter 5 of the CASA C–212 Series 100/200 Maintenance Manual, Revision 2, dated June 11, 2002. Repeat the inspection thereafter at intervals not to exceed 300 flight hours.

(2) If any crack is found during any inspection required by paragraph (f)(1) of this AD, before further flight, replace the pitot tube with a new pitot tube having P/N 212–A0150–0001 or 212–A0150–0002 in accordance with the instructions of CASA Service Bulletin SB–212–34–11, Revision 1, dated February 27, 2008. Replacement of both pitot tubes having part number 212–61105.1 and 212–61105.2 with new tubes terminates the repetitive inspections required by paragraph (f)(1) of this AD.

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: 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.

(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 2008–0155, dated August 11, 2008; Chapter 5 of the CASA C–212 Series 100/200 Maintenance Manual, Revision 2, dated June 11, 2002; and CASA Service Bulletin SB–212–34–11, Revision 1, dated February 27, 2008, for related information.

Issued in Renton, Washington, on December 29, 2008.

Linda Navarro,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–3780 Filed 2–20–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0138; Directorate Identifier 2008–NM–216–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model BD–700–1A10 and BD–700–1A11 Airplanes

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 that would supersede an existing AD. This proposed 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:

During scheduled maintenance inspection, a bolt which connects the PCU (power control unit) to the elevator surface was found fractured in the assembly. Further inspection of the assembly revealed that the bearing on the PCU rod end had seized, which resulted in damage to the attachment fitting bushing and fracture of the bolt. Inspection of other in-service airplanes revealed two more seized PCU attachment joints. However, except seizure, no fractured bolt was found on these airplanes. Failure of the bolts in both PCUs on one side could result in disconnection of the elevator control surface which would lead to flutter and loss of the aircraft.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by March 25, 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.

For service information identified in this proposed AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; e-mail *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.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 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 in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Pong K. Lee, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7324; fax (516) 794–5531.

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–2009–0138; Directorate Identifier 2008–NM–216–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 we receive about this proposed AD.

Discussion

On November 16, 2008, we issued AD 2008–24–12, Amendment 39–15753 (73 FR 72316, November 28, 2008). That AD required actions intended to address an unsafe condition on the products listed above. AD 2008–24–12 was issued as an Immediately Adopted Rule; therefore,

notice and opportunity for public comment before issuing AD 2008–24–12 were impracticable because good cause existed for making that AD effective in fewer than 30 days.

In the Differences section of AD 2008–24–12, we indicated that the planned compliance times for the inspection and lubrication of power control units specified in Paragraph B. of the mandatory continuing airworthiness information (MCAI) (i.e., Canadian Emergency Airworthiness Directive CF–2008–31, dated October 9, 2008) would allow enough time to provide notice and opportunity for prior public comment on the merits of those actions, and that we were considering further rulemaking to address that issue. We also indicated that we were considering further rulemaking to require the optional terminating action on all affected airplanes. We have now determined that further rulemaking action is indeed necessary, and this proposed AD follows from that determination.

The MCAI states:

> During scheduled maintenance inspection, a bolt which connects the PCU (power control unit) to the elevator surface was found fractured in the assembly. Further inspection of the assembly revealed that the bearing on the PCU rod end had seized, which resulted in damage to the attachment fitting bushing and fracture of the bolt. Inspection of other in-service airplanes revealed two more seized PCU attachment joints. However, except seizure, no fractured bolt was found on these airplanes. Failure of the bolts in both PCUs on one side could result in disconnection of the elevator control surface which would lead to flutter and loss of the aircraft.
>
> This Airworthiness Directive (AD) is issued to mandate the inspection and lubrication of all part number (P/N) GT411–3800–5 and GT411–3800–7 PCU attachment joints.

The required actions include inspections for damage and seizure (including signs of seizure) of the PCU attachment joints, an inspection for damage (including wear damage, fretting, corrosion, galling, scoring, fretting wear, and parts that do not meet inspection requirements) of the PCU attachment joint components, and applicable corrective actions. You may obtain further information by examining the MCAI in the AD docket.

FAA's Determination and Requirements of This Proposed 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 proposing 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.

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 proposed 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 proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect 157 products of U.S. registry. We also estimate that it would take 4 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $50,240, or $320 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.

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, Incorporation by reference, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing Amendment 39–15753 (73 FR 72316, November 28, 2008) and adding the following new AD:

Bombardier: Docket No. FAA–2009–0138; Directorate Identifier 2008–NM–216–AD.

Comments Due Date

(a) We must receive comments by March 25, 2009.

Affected ADs

(b) The proposed AD supersedes AD 2008–24–12, Amendment 39–15753.

Applicability

(c) This AD applies to Bombardier Model BD–700–1A10 and BD–700–1A11 airplanes, certificated in any category, serial numbers (S/Ns) 9002 through 9222 inclusive; equipped with elevator power control units (PCUs) having part number (P/N) GT411–3800–5 or GT411–3800–7.

Subject

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

Reason

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

During scheduled maintenance inspection, a bolt which connects the PCU (power control unit) to the elevator surface was found fractured in the assembly. Further inspection of the assembly revealed that the bearing on the PCU rod end had seized, which resulted in damage to the attachment fitting bushing and fracture of the bolt. Inspection of other in-service airplanes revealed two more seized PCU attachment joints. However, except seizure, no fractured bolt was found on these airplanes. Failure of the bolts in both PCUs on one side could result in disconnection of the elevator control surface which would lead to flutter and loss of the aircraft.

This Airworthiness Directive (AD) is issued to mandate the inspection and lubrication of all part number (P/N) GT411–3800–5 and GT411–3800–7 PCU attachment joints.

The required actions include inspections for damage and seizure (including signs of seizure) of the PCU attachment joints, an inspection for damage (including wear damage, fretting, corrosion, galling, scoring, fretting wear, and parts that do not meet inspection requirements) of the PCU attachment joint components, and applicable corrective actions.

Restatement of Requirements of AD 2008–24–12

(f) Unless already done: For airplanes on which elevator PCUs with P/N GT411–3800–5 or P/N GT411–3800–7, S/N 0615 and lower, are installed, excluding P/N GT411–3800–7 PCUs having a serial number listed in Table 1 of this AD, and excluding P/N GT411–3800–7 PCUs on which less than 1,000 flight hours have accumulated on the PCUs as of December 15, 2008 (the effective date of AD 2008–24–12), do the actions specified in paragraphs (f)(1), (f)(2), and (f)(3) of this AD.

Note 1: Units listed in Table 1 of this AD have been lubricated by the vendor and the inspections required by paragraphs (f)(1), (f)(2), (f)(3), and (f)(4) of this AD are not required for those units.

TABLE 1—SERIAL NUMBERS

0030	0097	0156	0188	0218	0369	0438
0031	0101	0161	0190	0222	0406	0453
0033	0105	0163	0191	0223	0407	0491
0041	0108	0164	0197	0240	0408	0495
0046	0109	0165	0198	0262	0413	0504
0060	0110	0171	0199	0265	0420	0506
0062	0111	0173	0202	0281	0427	0513
0066	0119	0174	0205	0296	0429	0533
0081	0130	0178	0206	0301	0430	0536
0083	0138	0179	0208	0310	0431	0586
0087	0141	0181	0210	0323	0433	.....
0092	0145	0183	0214	0365	0435	.....

(1) Within 10 flight cycles or 50 flight hours after December 15, 2008, whichever occurs first: Inspect for damage and wear and lubricate the PCU attachment joints in accordance with Bombardier Alert Service Bulletin A700–1A11–27–024, Revision 01, dated October 3, 2008; or Bombardier Alert Service Bulletin A700–27–066, Revision 01, dated October 3, 2008; as applicable.

(2) Within 90 days or 200 flight hours after performing the actions required by paragraph (f)(1) of this AD, whichever occurs first: Repeat the inspection and lubrication of the PCU attachment joints in accordance with Bombardier Alert Service Bulletin A700–1A11–27–024, Revision 01, dated October 3, 2008; or Bombardier Alert Service Bulletin A700–27–066, Revision 01, dated October 3, 2008; as applicable.

(3) Within 45 days or 100 flight hours after performing the actions required by paragraph (f)(2) of this AD, whichever occurs first: Repeat the inspection and lubrication of the PCU attachment joints in accordance with Bombardier Alert Service Bulletin A700–1A11–27–024, Revision 01, dated October 3, 2008; or Bombardier Alert Service Bulletin A700–27–066, Revision 01, dated October 3, 2008; as applicable. Repeat the inspection thereafter at intervals not to exceed 45 days or 100 flight hours, whichever occurs first, until paragraph (f)(4) of this AD is accomplished.

(4) Completion of a disassembly with an inspection for damage, applicable corrective actions, and lubrication of the PCU attachment joint components in accordance with Bombardier Service Bulletin 700–1A11–27–025, dated October 9, 2008; or Bombardier Service Bulletin 700–27–067, dated October 9, 2008; as applicable; constitutes terminating action for the inspections required by paragraphs (f)(1), (f)(2), and (f)(3) of this AD.

(5) Unless already done, if any damage or seizure is found during any inspection required by paragraphs (f)(1), (f)(2), (f)(3), and (f)(4) of this AD, before further flight, replace the affected part in accordance with Bombardier Service Bulletin 700–1A11–27–025, dated October 9, 2008, or Bombardier Service Bulletin 700–27–067, dated October 9, 2008, as applicable.

(6) Actions done before December 15, 2008, in accordance with the Bombardier Alert Service Bulletins A700–1A11–27–024 and A700–27–066, both dated October 2, 2008, are acceptable for compliance with the corresponding requirements of this AD.

(7) Unless already done, submit a report to Bombardier of all findings found during any inspection required by paragraphs (f)(1), (f)(2), (f)(3), and (f)(4) of this AD, in accordance with the applicable service bulletin listed in Table 2 of this AD.

(i) If the inspection was done on or after December 15, 2008: Submit the report within 14 days after the inspection.

(ii) If the inspection was done before December 15, 2008: Submit the report within 14 days after December 15, 2008.

TABLE 2—SERVICE BULLETINS FOR REPORTS

Service Bulletin	Revision level	Date
Bombardier Alert Service Bulletin A700–1A11–27–024	01	October 3, 2008.
Bombardier Alert Service Bulletin A700–27–066	01	October 3, 2008.
Bombardier Service Bulletin 700–1A11–27–025	Original	October 9, 2008.
Bombardier Service Bulletin 700–27–067	Original	October 9, 2008.

New Requirements of this AD: Actions and Compliance

(g) Unless already done, do the actions specified in paragraph (g)(1) or (g)(2) of this AD, as applicable, at the time specified.

(1) For airplanes identified in paragraph (f) of this AD: Within 45 days or 100 flight hours after the effective date of this AD, whichever occurs first, complete a disassembly with an inspection for damage, applicable corrective actions, and lubrication of the PCU attachment joint components in accordance with Bombardier Service Bulletin 700–1A11–27–025, dated October 9, 2008; or Bombardier Service Bulletin 700–27–067, dated October 9, 2008; as applicable.

(2) For airplanes not identified in paragraph (f) of this AD on which elevator PCUs with P/N GT411–3800–7 are installed: Within 180 days or 400 flight hours after the effective date of this AD, whichever occurs first, complete a disassembly with an inspection for damage, applicable corrective actions, and lubrication of the PCU attachment joint components in accordance with Bombardier Service Bulletin 700–1A11–27–025, dated October 9, 2008; or Bombardier Service Bulletin 700–27–067, dated October 9, 2008; as applicable.

FAA AD Differences

Note 2: This AD differs from the MCAI and/or service information as follows: Paragraph A.3. of the MCAI requires a one-time inspection; however, since we have changed the compliance time for the terminating action in paragraph A.4. of the MCAI (refer to paragraph (g)(1) of this AD), paragraph (f)(3) of this AD requires repeating the inspections until the terminating action is performed.

Other FAA AD Provisions

(h) 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: Pong K. Lee, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7324; 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 (PAI), 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.

(4) *Special Flight Permits:* As described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), special flight permits are not allowed.

Related Information

(i) Refer to MCAI Canadian Emergency Airworthiness Directive CF–2008–31, dated October 9, 2008, and the service information specified in Table 2 of this AD, for related information.

Issued in Renton, Washington, on January 30, 2009.

Stephen P. Boyd,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–3774 Filed 2–20–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[REG-158747-06]

RIN 1545-BG45

Withholding Under Internal Revenue Code Section 3402(t)

Correction

In proposed rule document E8–28789 beginning on page 74082 in the issue of Friday, December 5, 2008 make the following corrections:

1. On page 74083, in the third column, in the last line of the first full paragraph, ''§601.601(d)(2)(ii)(b)'' should read ''§601.601(d)(2)(ii)*(b)*''.

2. On page 74085, in the third column on the 17th line of the first full paragraph, ''withholding'' should read ''withhold''.

3. On page 74090, in the third column, under the ''List of Subjects in 26 CFR Part 31'', on the fourth line, ''Social Security'' should read ''Social security''.

§31.3402(t)-1 [Corrected]

4. On the same page, in the same column, ''§31.3402(t)–1 Withholding requirements on certain payments made by government entities.'' is corrected to read ''§31.3402(t)– Withholding requirement on certain payments made by government entities.''

[FR Doc. Z8–28789 Filed 2–20–09; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[PA–150–FOR OSM–2008–0002]

Pennsylvania Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Proposed rule; withdrawal.

SUMMARY: We, the Office of Surface Mining (OSM), are announcing the withdrawal of a proposed rule pertaining to a request to delete a required amendment related to the Pennsylvania regulatory program (the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Pennsylvania requested that a required amendment pertaining to regulatory exemptions for coal extraction incidental to the extraction of other minerals be removed.

DATES: The proposed rule published April 1, 2008, at 73 FR 17268, is withdrawn February 23, 2009.

FOR FURTHER INFORMATION CONTACT: George Rieger, Chief, Pittsburgh Field Division, Office of Surface Mining Reclamation and Enforcement, 415 Market Street, Room 304, Harrisburg, PA 17101; *Telephone:* 717–782–4036, *e-mail: grieger@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program
II. Submission of the Request

I. Background on the Pennsylvania Program

Section 503(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), 30 U.S.C. 1253(a), permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, ''a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of the Act * * *; and rules and regulations consistent with regulations issued by the Secretary pursuant to the Act.'' *See* 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Pennsylvania regulatory program on July 30, 1982. You can find background information on the Pennsylvania program, including the Secretary's findings, the disposition of comments,

and conditions of approval in the July 30, 1982 **Federal Register** (47 FR 33050). You can also find later actions concerning Pennsylvania's program and program amendments at 30 CFR 938.11, 938.12, 938.13, 938.15, and 938.16.

II. Submission of the Request

By letter dated December 18, 2007, Pennsylvania sent us a request to remove a required amendment codified at 30 CFR 938.16(uuu). This required amendment pertains to regulatory exemptions for coal extraction incidental to the extraction of other minerals (Administrative Record Number PA–892.00) under SMCRA. Pennsylvania submitted the request because it maintained that its program was no less effective than the Federal requirements, and therefore, no amendment was necessary.

We announced receipt of the request in the April 1, 2008 **Federal Register** (73 FR 17268–17270). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the request (Administrative Record Number PA–892.03). We did not hold a public hearing or meeting because no one requested one. The public comment period ended on May 1, 2008. We received comments from one organization, Citizens for Pennsylvania's Future (PennFuture).

In a letter dated December 11, 2008, Pennsylvania notified us that it was withdrawing the request at this time so that they can perform additional analysis on the issue and resubmit the amendment at a later date. The required amendment codified at 30 CFR 938.16(uuu) remains effective.

List of Subjects in 30 CFR Part 948

Intergovernmental relations, Surface mining, Underground mine.

Dated: January 8, 2009.

Thomas D. Shope,

Regional Director, Appalachian Region.

[FR Doc. E9–3806 Filed 2–20–09; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2008–1219]

RIN 1625–AA00

Safety Zone; Ironman 70.3 California; Oceanside Harbor, Oceanside, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes a temporary safety zone within the navigable waters of Oceanside Harbor for the Ironman 70.3 California. This temporary safety zone is necessary to provide safety for the swimmers, crew, spectators, vessels and other users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port or his designated representative.

DATES: Comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before March 25, 2009 or reach the Docket Management Facility by that date.

ADDRESSES: You may submit comments identified by docket number USCG–2008–1219 using any one of the following methods:

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

(2) *Fax:* 202–493–2251.

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

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

To avoid duplication, please use only one of these methods. For instructions on submitting comments, see the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below. **FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call Petty Officer Kristen Beer, USCG, Waterways Management, U.S. Coast Guard Sector San Diego at (619) 278–7262. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

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

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2008–1219), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online, or by fax, mail or hand delivery, but please use only one of these means. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov*, select the Advanced Docket Search option on the right side of the screen, insert ''USCG–2008–1219'' in the Docket ID box, press Enter, and then click on the balloon shape in the Actions column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, select the Advanced Docket Search option on the right side of the screen, insert USCG–2008–1219 in the Docket ID box, press Enter, and then click on the item in the Docket ID column. You may also visit either the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; or the U.S. Coast Guard Sector San Diego, 2710 N. Harbor Drive, San Diego, CA 92101 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on

behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Public Meeting

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

Background and Purpose

North America Sports is sponsoring the Ironman 70.3 California. The event will consist of 2,200 participants. The waterside swim course consists of a 1.2 mile loop in the South Oceanside Harbor. The course requires a safety zone while the swimmers are on the course, thus restricting vessel traffic within the Oceanside Harbor for three hours. There will be 25 to 29 safety vessels provided by the sponsor to enforce the safety zone.

Discussion of Proposed Rule

The Coast Guard proposes to establish a safety zone from 6:40 a.m. to 9:30 a.m. on Saturday, April 4, 2009 for the Ironman 70.3 California. This temporary safety zone is necessary for the safety of the swimmers and staff and will affect the use of the waterway during the period of the event. The limits of this temporary safety zone are the waters of Oceanside Harbor encompassed by the following coordinates:

33°12.54′ N, 117°24.12′ W;
33°12.52′ N, 117°23.75′ W;
33°12.49′ N, 117°23.66′ W;
33°12.37′ N, 117°23.54′ W;
33°12.32′ N, 117°23.55′ W;
33°12.43′ N, 117°23.69′ W;
33°12.46′ N, 117°23.79′ W;
33°12.41′ N, 117°23.96′ W;
33°12.44′ N, 117°23.98′ W;
33°12.45′ N, 117°24.12′ W;
33°12.54′ N, 117°24.12′ W.

The Coast Guard will enforce the safety zone and may be assisted by other federal, state, or local agencies, including the Coast Guard Auxiliary. The safety zone is necessary to provide for the safety of the swimmers, spectators, vessels and other users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

Regulatory Analyses

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

Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. This determination is based on the size, location, and duration of the safety zone. Commercial vessels will not be hindered by the safety zone. Recreational vessels will not be allowed to transit through the designated safety zone during the specified times.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the Oceanside Harbor from 6:40 a.m. to 9:30 a.m. on April 4, 2009.

This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons. This rule would be in effect for less than 3 hours early in the day when vessel traffic is low. Although the safety zone would apply to the entire width of the south harbor, traffic would be allowed to pass through the zone with the permission of the Coast Guard patrol commander. Before the effective period, the Coast Guard will publish a local notice to mariners (LNM) and will issue broadcast notice to mariners (BNM) alerts via marine channel 16 VHF before the safety zone is enforced.

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 Petty Officer Kristen Beer, USCG, Waterways Management, U.S. Coast Guard Sector San Diego at (619) 278–7262. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise

have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 5100.1 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination under the Instruction that this action is not likely to have a significant effect on the human environment. An environmental analysis checklist supporting this preliminary determination is available in the docket where indicated under **ADDRESSES**. 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 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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 a new temporary safety zone § 165.T11–137 to read as follows:

§ 165.T11–137 Safety Zone; Ironman 70.3 California; Oceanside Harbor, Oceanside, CA.

(a) *Location.* The limits of this temporary safety zone are the waters of Oceanside Harbor encompassed by drawing a line from point to point along the following coordinates:

33°12.54′ N, 117°24.12′ W;
33°12.52′ N, 117°23.75′ W;
33°12.49′ N, 117°23.66′ W;
33°12.37′ N, 117°23.54′ W;
33°12.32′ N, 117°23.55′ W;
33°12.43′ N, 117°23.69′ W;
33°12.46′ N, 117°23.79′ W;
33°12.41′ N, 117°23.96′ W;
33°12.44′ N, 117°23.98′ W;
33°12.45′ N, 117°24.12′ W;
33°12.54′ N, 117°24.12′ W.

(b) *Enforcement Period.* This section will be enforced from 6:40 a.m. to 9:30 a.m. on April 4, 2009. If the event concludes prior to the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *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.

(d) *Regulations.*

(1) Entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port of San Diego or his designated on-scene representative.

(2) Mariners requesting permission to transit through the safety zone may request authorization to do so from the Patrol Commander (PATCOM). The PATCOM may be contacted on VHF–FM Channel 16.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated representative.

(4) Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(5) The Coast Guard may be assisted by other federal, state, or local agencies.

Dated: January 28, 2009.

T.H. Farris,

Captain, U.S. Coast Guard, Captain of the Port, San Diego.

[FR Doc. E9–3761 Filed 2–20–09; 8:45 am]

BILLING CODE 4910–15–P

Notices

Federal Register

Vol. 74, No. 34

Monday, February 23, 2009

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

AGENCY FOR INTERNATIONAL DEVELOPMENT

Bureau for Democracy, Conflict and Humanitarian Assistance; Office of Food for Peace; Announcement of Draft Office of Food for Peace Food for Peace Act Title II Program Proposal Guidelines for Rapid-Onset Emergencies

Notice

Notice is hereby given that Draft Office of Food for Peace Food for Peace Act Title II Program Proposal Guidelines for Rapid-Onset Emergencies are available to interested parties for general viewing. Comments should be submitted to *FACG@amexdc.com* by March 13, 2009.

Individuals who wish to access the current Food for Peace Act Title II guidelines including the Draft Rapid-Onset Emergency Proposal Guidelines, should visit the Food for Peace Web site at *http://www.usaid.gov/our_work/humanitarian_assistance/ffp/*, or contact the Office of Food for Peace, U.S. Agency for International Development, RRB 7.06–102, 1300 Pennsylvania Avenue, NW., Washington, DC 20523–7600.

Juli Majernik,

Grants Manager, Policy and Technical Division, Office of Food for Peace, Bureau for Democracy, Conflict and Humanitarian Assistance.

[FR Doc. E9–3762 Filed 2–20–09; 8:45 am]

BILLING CODE 6116–02–P

DEPARTMENT OF COMMERCE

[Docket No. 0811211498–81504–03]

Privacy Act of 1974: System of Records

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice to delete a Privacy Act System of Records: COMMERCE/NOAA–17, Permits and Registrations for Fisheries of the Exclusive Economic Zone (EEZ) off the Coast of Alaska.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(e)(4) and (11), the Department of Commerce (Commerce) is issuing notice of its intent to delete the system of records entitled ''Permits and Registrations for Fisheries of the Exclusive Economic Zone (EEZ) off the Coast of Alaska.'' This system of records has been superseded by COMMERCE/NOAA–19 (73 FR 20914); Permits and Registrations for United States Federally Regulated Fisheries, which became effective on June 11, 2008 (73 FR 33065).

DATES: To be considered, written comments must be submitted on or before March 25, 2009. Unless comments are received, the deletion of the system of records will become effective as proposed on the date of publication of a subsequent notice in the **Federal Register**.

ADDRESSES: Sarah Brabson, NOAA Paperwork Reduction Act Clearance Officer, 1315 East West Highway, Silver Spring, MD 20910. Comments may be submitted electronically to the following electronic mail address: *sarah.brabson@noaa.gov.*

SUPPLEMENTARY INFORMATION: On June 11, 2008, the Privacy Act System of Records COMMERCE/NOAA–19, Permits and Registrations for United States Federally Regulated Fisheries became effective. This System of Records includes all information in COMMERCE/NOAA–17, Permits and Registrations for Fisheries of the Exclusive Economic Zone (EEZ) off the Coast of Alaska and thus supersedes it.

February 17, 2009.

Brenda Dolan,

U.S. Department of Commerce, Freedom of Information/Privacy Act Officer.

[FR Doc. E9–3756 Filed 2–20–09; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 06–2009]

Foreign-Trade Zone 22—Chicago, IL; Expansion of Subzone and Scope of Manufacturing Authority Subzone 22F; Abbott Molecular, Inc. (Pharmaceutical/Molecular Diagnostic Products) Des Plaines and Elk Grove Village, IL

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Illinois International Port District, grantee of Foreign-Trade Zone 22, requesting authority to expand the subzone and scope of manufacturing authority under zone procedures within Subzone 22F at the pharmaceutical and molecular diagnostic facilities of Abbott Molecular, Inc. (Abbott), located in Des Plaines and Elk Grove Village, Illinois. The application was submitted pursuant to the provisions of the FTZ Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on February 17, 2009.

Subzone 22F was approved by the FTZ Board in 1992, at Abbott's pharmaceutical plants (4 sites, 791 acres with 108 buildings totaling 6,441,803 square feet, 30 percent of which is devoted to manufacturing), located in North Chicago and Lake County, Illinois. The facilities (9,400 employees) are used to produce and/or distribute a wide range of pharmaceutical products (Board Order No. 611, 57 FR 61045, 12/23/92). Expansion of manufacturing authority was approved on 8/30/99 (Board Order No. 1051, 64 FR 48578, 09/07/99).

Abbott is now requesting authority to expand the subzone to include two additional sites: *Site 5:* (17 acres, one building totaling 208,000 square feet, 455 employees) warehouse facility, located at 1300 East Touhy, Des Plaines, Illinois, and *Site 6:* (one acre, one building totaling 14,400 square feet, 2 employees), warehouse facility, located at 565 Busse Road, Elk Grove Village, Illinois. The facilities are used to warehouse and distribute molecular diagnostic equipment (HTSUS 8979.89.9897, duty rate 2.5%). The applicant is also requesting authority to expand its scope of manufacturing authority to include diagnostic equipment and components (HTSUS

8419.89, 8471.49, 8471.50, 8479.89, 8479.90, 9027.30, 9027.50, 9027.90, duty rates range from 2.5% to 4.2%) under zone procedures. Abbott is also requesting to include within its manufacturing scope a broad range of inputs and pharmaceutical final products that it may produce under FTZ procedures in the future. (New major activity in these inputs/products would require review by the FTZ Board.) The duty rates for these inputs and final products range from duty-free to 20 percent. The specific input and product categories are listed in the application, which is available in the ''Reading Room'' section of the Board's Web site (see below).

Zone procedures could exempt Abbott from customs duty payments on foreign materials used in production for export (some 60 percent of shipments). On domestic shipments, the company would be able to defer customs duty payments on foreign materials, and to choose the duty rate that applies to the finished products (duty-free to 4.2%) instead of the rates otherwise applicable to the foreign input materials (duty-free to 10.7%). Abbott also expects to realize additional savings through the use of weekly entry procedures. The application indicates that the savings from zone procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, Kathleen Boyce of the FTZ Staff is designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address listed below. The closing period for their receipt is April 24, 2009. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 11, 2009).

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.* For further information, contact Kathleen Boyce at *Kathleen_Boyce@ita.doc.gov* or (202) 482–1346.

Dated: February 17, 2009.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E9–3790 Filed 2–20–09; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Regulations and Procedures Technical Advisory Committee; Notice of Open Meeting

The Regulations and Procedures Technical Advisory Committee will meet on March 10, 2009, 9 a.m., Room 4830, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

Agenda

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the Public.
3. Opening remarks by the Bureau of Industry and Security.
4. Export Enforcement update.
5. Regulations update.
6. Work group reports.
7. Automated Export System update.

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yspringer@bis.doc.gov* no later than March 3, 2009.

A limited number of seats will be available for the public session. Reservations are not accepted.

To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting.

However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via e-mail.

For more information, call Yvette Springer at (202) 482–2813.

Dated: February 17, 2009.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. E9–3805 Filed 2–20–09; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–809]

Circular Welded Non–Alloy Steel Pipe from the Republic of Korea: Rescission of Antidumping Duty New Shipper Review

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

SUMMARY: In response to a request from A–JU Besteel Co., Ltd. (''Ajubesteel''), the Department of Commerce (''the Department'') initiated a new shipper review of the antidumping duty order on circular welded non–alloy steel pipe from the Republic of Korea covering the period November 1, 2007, through October 31, 2008. On January 13, 2009, Ajubesteel withdrew its request; therefore, we are rescinding this new shipper review.

EFFECTIVE DATES: February 23, 2009.

FOR FURTHER INFORMATION CONTACT: Joseph Shuler or Dave Neubacher, Office of AD/CVD Operations 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482–1293 and (202) 482–5823, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department received a timely request from Ajubesteel, in accordance with section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (''the Act''), and 19 CFR 351.214(c), for a new shipper review of the antidumping duty order on circular welded non–alloy steel pipe from the Republic of Korea. The Department found that Ajubesteel's request for review met all of the regulatory requirements set forth in 19 CFR 351.214(b) and initiated an antidumping duty new shipper review. *See Circular Welded Non–Alloy Steel Pipe from the Republic of Korea: Initiation of New Shipper Antidumping Duty Review*, 73 FR 80365 (December 31, 2008).

On January 6, 2009, the Department issued a questionnaire to Ajubesteel. On January 13, 2009, Ajubesteel withdrew its request for a new shipper review.

Rescission of New Shipper Review

Section 351.214(f)(1) of the Department's regulations provides that the Department may rescind a new shipper review if the party that requested the review withdraws its request for review within 60 days of the

date of publication of the notice of initiation of the requested review. Ajubesteel withdrew its request for a review on January 13, 2009, which is within the 60–day deadline. Therefore, the Department is rescinding this new shipper review of Ajubesteel.

Notification

As the Department is rescinding this antidumping duty new shipper review, normally, the all–others rate in effect at the time of entry, 4.8 percent *ad valorem*, would be assessed on all exports of circular welded non–alloy steel pipe from the Republic of Korea by Ajubesteel entered, or withdrawn, from warehouse for consumption during the period of review (November 1, 2007, through October 31, 2008). However, Ajubesteel's shipments are subject to an administrative review of the order on circular welded non–alloy steel pipe from the Republic of Korea, covering the same period. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 73 FR 79055 (December 24, 2008). Because the sale(s) from this new shipper review also fall within the period of review of the administrative review, the Department will not issue assessment instructions to U.S. Customs and Border Protection (CBP) at this time. Upon the completion of the November 1, 2007, through October 31, 2008, administrative review, the Department will issue assessment instructions to CBP as appropriate.

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanctions.

This new shipper rescission and notice are published in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: February 12, 2009.

John M. Andersen,

Acting Deputy Assistant Secretaryfor Antidumping and Countervailing Operations.

[FR Doc. E9–3656 Filed 2–20–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–807]

Polyethylene Terephthalate Film, Sheet, and Strip from the Republic of Korea: Extension of the Time Limit for the Preliminary Results of the 2007/2008 Administrative Review

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

EFFECTIVE DATE: February 23, 2009.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482–4475 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 5, 1991, the Department of Commerce (Department) published in the **Federal Register** an antidumping duty order on polyethylene terephthalate film, sheet, and strip (PET film) from the Republic of Korea (''Korea''). *See Antidumping Duty Order and Amendment to Final Determination of Sales at Less Than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip from the Republic of Korea*, 56 FR 25669 (June 5, 1991). The Department received timely requests from Kolon Industries Inc. (Kolon) and from DuPont Teijin Films, Mitsubishi Polyester Film, Inc., and Toray Plastics America Inc. (collectively, the petitioners), in accordance with 19 CFR 351.213(b)(2), for an administrative review of the antidumping duty order on PET film from Korea covering Kolon's sales for the period October 2, 2007, through May 31, 2008. On July 30, 2008, the Department initiated an administrative review with respect to Kolon. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews, Request for Revocation in Part, and Deferral of Administrative Review*, 73 FR 44220 (July 30, 2008).

The deadline for completion of the preliminary results in this administrative review is currently March 2, 2009.

Extension of Time Limits for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(h)(1) require the Department to issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of the order or suspension agreement for which the administrative review was requested, and the final results of the review within 120 days after the date on which the notice of the preliminary results was published in the **Federal Register**. However, if the Department determines that it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2) allow the Department to extend the 245-day period to 365 days and the 120-day period to 180 days.

Pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h), we determine that it is not practicable to complete this administrative review within the statutory time limit of 245 days. The Department requires additional time to analyze Kolon's questionnaire responses, and issue supplemental questionnaires. In particular, there are complex issues concerning Kolon's reported cost of production and U.S. sales that the Department requires additional time to analyze. Therefore, in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), the Department is extending the time limit for the completion of these preliminary results by 120 days. Therefore, the new deadline for completion of this review is June 30, 2009. The final results, in turn, will be due 120 days after the date of issuance of the preliminary results, unless extended.

This notice is published in accordance with sections 751(a)(3)(A) and 777(i) of the Act.

Dated: February 17, 2009.

John M. Andersen,

Acting Deputy Assistant Secretaryfor Antidumping and Countervailing Duty Operations.

[FR Doc. E9–3791 Filed 2–20–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[C–357–819, C–580–862]

Ni-Resist Piston Inserts From Argentina and the Republic of Korea: Initiation of Countervailing Duty Investigations

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

DATES: *Effective Date:* February 23, 2009.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson (Argentina) or John Conniff (Republic of Korea), AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4793 and (202) 482–1009, respectively.

SUPPLEMENTARY INFORMATION:

The Petitions

On January 26, 2009, the Department of Commerce (the Department) received countervailing duty (CVD) petitions concerning Ni-resist piston inserts from Argentina and the Republic of Korea (Korea) filed in proper form by Korff Holdings, LLC doing business as Quaker City Castings (Petitioner). *See* Imposition of Countervailing Duties on Ni-Resist Piston Inserts from Argentina and the Republic of Korea, dated January 26, 2009 (the petitions).

On January 29, 2009, and February 6, 9, and 10, 2009, the Department issued requests for additional information and clarification of certain areas of the petitions. Based on the Department's requests, Petitioner filed additional information supplementing the petitions on February 5, 10, 11, and 12, 2009.

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), Petitioner alleges that manufacturers, producers, or exporters of Ni-resist piston inserts in Argentina and Korea receive countervailable subsidies within the meaning of section 701 of the Act and that such imports are materially injuring, or threatening material injury to, an industry in the United States.

The Department finds that Petitioner filed the petitions on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and Petitioner has demonstrated sufficient industry support with respect to the CVD investigations that it requests the Department to initiate (*see* ''Determination of Industry Support for the Petitions'' section below).

Period of Investigations

The anticipated period of the investigations (POI) is January 1, 2008, through December 31, 2008. *See* 19 CFR 351.204(b)(2).

Scope of Investigations

The scope of these investigations includes all Ni-resist piston inserts regardless of size, thickness, weight, or outside diameter. Ni-resist piston inserts may also be called other names including, but not limited to, ''Ring Carriers,'' or ''Alfin Inserts.'' Ni-resist piston inserts are alloyed cast iron rings, with or without a sheet metal cooling channel pressed and welded into the interior of the insert. Ni-resist piston inserts are composed of the material known as Ni-resist, of the chemical composition: 13.5%–17.5% Ni (nickel), 5.5%–8.0% Cu (copper), 0.8%–2.5% Cr (chromium), 0.5%–1.5% Mn (manganese), 1.0%–3.0% Si (silicon), 2.4%–3.0% C (carbon). The cast iron composition is produced primarily to the material specifications of the American Society for Testing and Materials (ASTM), ASTM A–436 grade 1.

The scope of these investigations does not include piston rings nor any other product manufactured using the Ni-resist material. The subject imports are properly classified under subheading 8409.99.91.90 of the Harmonized Tariff Schedule of the United States (HTSUS), but have been imported under HTSUS 7326.90. The HTSUS subheadings are provided for convenience and customs purposes. The written description is dispositive of the scope of these investigations.

Comments on Scope of Investigations

During our review of the petitions, we discussed the scope with Petitioner to ensure that it is an accurate reflection of the products for which the domestic industry is seeking relief. Moreover, as discussed in the preamble to the regulations (*Antidumping Duties; Countervailing Duties: Final Rule,* 62 FR 27296, 27323 (May 19, 1997)), we are setting aside a period for interested parties to raise issues regarding product coverage. The Department encourages all interested parties to submit such comments within 20 calendar days of the publication of this notice. Comments should be addressed to Import Administration's APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. The period of scope consultations is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determinations.

Consultations

Pursuant to section 702(b)(4)(A)(ii) of the Act, the Department invited representatives of the Governments of Argentina and Korea (GOA and GOK, respectively) for consultations with regard to the petitions. The Department held these consultations in Washington, DC, with representatives of the GOK on February 10, 2009, and with representatives of the GOA on February 13, 2009. *See* Memorandum to the File regarding ''Consultations with Officials from the Government of the Republic of Korea on the Countervailing Duty Petition regarding Ni-Resist Piston Inserts,'' (dated February 12, 2009), and Memorandum to the File regarding ''Consultations with Officials from the Government of Argentina on the Countervailing Duty Petition regarding Ni-Resist Piston Inserts,'' (dated February 13, 2009); these memoranda are on file in the Department's Central Records Unit (CRU), Room 1117 of the main Department of Commerce building.

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A), or (ii) determine industry support using a statistically valid sampling method.

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this

may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law. *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001), citing *Algoma Steel Corp. Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989), *cert. denied,* 492 U.S. 919 (1989).

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, Petitioner does not offer a definition of domestic like product distinct from the scope of these investigations. Based on our analysis of the information submitted on the record, we have determined that Ni-resist piston inserts as defined by Petitioner constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product. For a discussion of the domestic like product analysis in this case, *see* ''Countervailing Duty Investigation Initiation Checklist: Ni-Resist Piston Inserts from Argentina'' (Argentina Checklist), at Attachment II (Industry Support), and ''Countervailing Duty Investigation Initiation Checklist: Ni-Resist Piston Inserts from the Republic of Korea'' (Korea Checklist), at Attachment II (Industry Support) (dated February 17, 2009), on file in the CRU.

With regard to section 702(c)(4)(A) of the Act, in determining whether Petitioner has standing (*i.e.*, the domestic workers and producers supporting the petitions account for (1) at least 25 percent of the total production of the domestic like product and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petitions), we considered the industry support data contained in the petitions with reference to the domestic like product as defined in the ''Scope of Investigations'' section above. To establish industry support, Petitioner indicated that it was the sole producer of the domestic like product and provided its production statistics for the domestic like product for the year 2008. We have relied upon data Petitioner provided for purposes of measuring industry support. No comments were submitted challenging Petitioner's industry support claims. For further discussion, *see* Argentina Checklist and Korea Checklist at Attachment II (Industry Support).

The Department's review of the data provided in the petitions, supplemental submissions, and other information readily available to the Department indicates that Petitioner has established industry support. First, the petitions establish support from the domestic producer accounting for more than 50 percent of the total production of the domestic like products and, as such, the Department is not required to take further action in order to evaluate industry support (*i.e.*, polling). *See* section 702(c)(4)(D) of the Act and Argentina Checklist and Korea Checklist at Attachment II (Industry Support). Second, the domestic producer has met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producer who supports the petitions accounts for at least 25 percent of the total production of the domestic like products. *See* Argentina Checklist and Korea Checklist at Attachment II (Industry Support). Finally, the domestic producer has met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producer supporting the petitions accounts for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petitions. Accordingly, the Department determines that the petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act. *See* Argentina Checklist and Korea Checklist at Attachment II (Industry Support).

The Department finds that Petitioner filed the petitions on behalf of the domestic industry because Petitioner is an interested party as defined in section 771(9)(C) of the Act and has demonstrated sufficient industry support with respect to the CVD investigations that it is requesting the Department initiate. *See* Argentina Checklist and Korea Checklist at Attachment II (Industry Support).

Injury Test

Because Argentina and Korea are each a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from Argentina and Korea materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

Petitioner alleges that imports of Ni-resist piston inserts from Argentina and Korea are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the domestic industries producing Ni-resist piston inserts. In addition, Petitioner alleges that subsidized imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.

Petitioner contends that the industry's injured condition is illustrated by reduced market share, underselling and price depressing and suppressing effects, lost sales and revenue, reduced production, reduced shipments, reduced employment, and an overall decline in financial performance. We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation. *See* Argentina Checklist and Korea Checklist at Attachment III (Injury).

Subsidy Allegations

Section 702(b) of the Act requires the Department to initiate a CVD proceeding whenever an interested party files a petition on behalf of an industry that: (1) Alleges the elements necessary for an imposition of a duty under section 701(a) of the Act; and (2) is accompanied by information reasonably available to the petitioner supporting the allegations. The Department has examined the CVD petitions on Ni-resist piston inserts from Argentina and Korea finds that the petitions comply with the requirements of section 702(b) of the Act. Therefore, in accordance with section 702(b) of the Act, we are initiating CVD investigations to determine whether manufacturers, producers, or exporters of Ni-resist piston inserts from Argentina and Korea receive countervailable subsidies. For a discussion of evidence supporting our initiation determination, *see* Argentina Checklist and Korea Checklist at ''Countervailing Duty Investigation Initiation Standard'' section.

I. Argentina

We are including in our investigation the following program alleged in the Argentina petition to have provided countervailable subsidies to producers and exporters of the subject merchandise in Argentina:

A. Tax Relief Under the Reintegro [1]

For further information explaining why the Department is investigating this program, *see* Argentina Checklist.

We are not including in our investigation the following programs alleged to benefit producers and exporters of the subject merchandise in Argentina:

A. Pre-Export Preferred Financing

Petitioner alleges that pre-export loans are widely available to specific industries in Argentina. Petitioner states that the pre-export program makes available to exporters pre-export funds for individual sales at an interest rate of one percent up to 180 days, to be repaid no later than 60 days after the effective export date. Petitioner also states that the funds are provided by the Central Bank of Argentina and disbursed through private commercial banks.

In *Cold-Rolled Carbon Steel*, the Department found that the pre-export financing provided by the Argentine Central Bank was terminated. *See Final Negative Countervailing Duty Determination: Certain Cold-Rolled Carbon Steel Flat Products From Argentina*, 67 FR 62106 (October 3, 2002) (*Cold-Rolled Carbon Steel*), and accompanying issues and decision memorandum at ''Program Determined To Be Terminated'' (Cold-Rolled Memorandum). Petitioner has provided no evidence that the Central Bank may have resumed its pre-export financing program. Therefore, we do not plan to investigate this program.

B. Post-Export Preferred Financing

Petitioner alleges that the post-shipment financing program (*aka*, Circular OPRAC 1–9 Post-Shipment Financing) provides shipment-specific, short-term preferential loans to exporters after a product has been exported. Petitioner states that, similar to the pre-export financing, the length of the loan is limited to 180 days and interest is paid quarterly. Petitioner adds that the loans are granted for up to 30 percent of the peso equivalent of the foreign currency in which the export transaction was paid and that the interest rate on the loans is the indexed market rate used by the commercial banks as required under Central Bank regulations.

In *Cold-Rolled Carbon Steel*, the Department found the post-export financing provided by the Argentine Central Bank was terminated. *See* Cold-Rolled Memorandum at ''Program Determined To Be Terminated.'' Further, Petitioner has provided no evidence that the Central Bank may have resumed its post-export financing program. Therefore, we do not plan to investigate this program.

C. Tax Relief Under the Zero Tariff Turnkey Bill

Petitioner states that the purpose of this program is to provide an incentive to import goods and equipment that will be used to modernize productive processes in Argentina. Petitioner claims that the program achieves its objective by allowing the importation of new merchandise and equipment without the payment of import duties. Petitioner states that the GOA, through the state-owned Investment and Foreign Trade Bank, provides the duty exemption/reductions, which are contingent on export performance.

In *Cold-Rolled Carbon Steel*, the Department found that the Zero Tariff Turnkey Bill to be not countervailable. *See* Cold-Rolled Memorandum at ''Program Determined To Be Not Countervailable.'' Specifically, the Department found that this program is neither *de jure* nor *de facto* specific as described in section 771(5A)(D) of the Act. Petitioner has not provided any evidence that the Zero Tariff Turnkey Bill may now be specific either in law or in fact. Therefore, we do not plan to investigate this program.

D. Tax Relief Under Decrees Nos. 379/2001 and 502/2001

Petitioner states that the objective of this program is to create an incentives regime for Argentine manufacturers of capital goods. Under the program, Petitioner alleges there is a tax bond, which is applied to the payment of national taxes, equivalent to 10 percent of the amount resulting from the deduction from the sales price of the value of imported manufacturing inputs, parts or components, incorporated into the final product and cleared through customs at an import duty of zero percent. Petitioner claims that Ni-resist piston insert producers can use this program because the term ''capital goods'' can be used to refer to anything that is not an end-product. Petitioner claims that a Ni-resist piston insert is not an end-product as its only purpose is to assist in the proper functioning of diesel pistons within diesel engines.

We do not plan to investigate this program, which provides a tax incentive to manufacturers of capital goods. Ni-resist piston inserts are not capital goods and, therefore, producers of the subject merchandise could not use this program.

II. Korea

We are including in our investigation the following programs alleged in the Korea petition to have provided countervailable subsidies to producers and exporters of the subject merchandise in Korea:

A. Energy Rate Reductions Under the Request Load Adjustment Program.

B. Short-Term Export Financing.

C. Loans under the Industrial Base Fund (IBF).

D. Export Loans by Commercial Banks Under the Export-Import Bank of Korea (KEXIM) Trade Bill Rediscounting Program.

E. Reserve for Research and Manpower Development Fund Under Article 9 of the Restriction of Special Taxation Act (RSTA) (Formerly Article 8 of Tax Exemption and Reduction Control Act).

F. Reserve for Investment Funds.

For further information explaining why the Department is investigating these programs, *see* Korea Checklist.

Respondent Selection

Normally for an investigation, the Department selects respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the POI. In this case, the HTSUS category that includes subject merchandise is broad and includes products other than products subject to these investigations. Therefore, such CBP data would not be informative to our selection of respondents for these investigations. In the petitions, Petitioner identified the following producers/exporters of Ni-resist piston inserts from Argentina and Korea as having exported the subject merchandise to the United States during the POI: Clorindo Appo SRL and Incheon Metal Co., Ltd., respectively. We are setting aside a period for interested parties to submit comments on the selection of Clorindo Appo SRL and Incheon Metal Co., Ltd. as respondents in these investigations. The Department requests interested parties to submit such comments within five calendar days after the publication of this notice in the **Federal Register**. Comments should be addressed to Import Administration's APO/Dockets Unit, Room 1870, U.S. Department of

[1] In the Argentina petition, Petitioner submitted a subsidy allegation for the program ''Tax Relief under the Reembolso'' (*see* petition at page 19). ''Reembolso,'' however, is the former name of the tax relief program. In a prior Argentina CVD proceeding, the Department learned that the successor program is named ''Reintegro.'' *See Notice of Preliminary Negative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determinations: Certain Cold-Rolled Carbon Steel Flat Products From Argentina,* 67 FR 9670, 9673 (March 4, 2002). Therefore, we are initiating on the program as ''Tax Relief under the Reintegro.''

Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Distribution of Copies of the Petitions

In accordance with section 702(b)(4)(A)(i) of the Act, a copy of the public version of the petitions has been provided to the GOA and GOK. As soon as possible and to the extent practicable, we will attempt to provide a copy of the public version of the petitions to each company named in the petitions, consistent with 19 CFR 351.203(c)(2).

ITC Notification

We have notified the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 25 days after the date on which it receives notice of this initiation, whether there is a reasonable indication that imports of subsidized Ni-resist piston inserts from Argentina and Korea are causing material injury, or threatening to cause material injury, to a U.S. industry. *See* section 703(a)(2) of the Act. A negative ITC determination will result in the investigations being terminated; otherwise, the investigations will proceed according to statutory and regulatory time limits.

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: *February 17, 2009.*

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–3795 Filed 2–20–09; 8:45 am]

BILLING CODE 3510–DS–P

CONSUMER PRODUCT SAFETY COMMISSION

Notice of Availability of Draft Guidance Regarding Which Children's Products are Subject to the Requirements of CPSIA Section 108; Request for Comments and Information

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Consumer Product Safety Improvement Act of 2008 (CPSIA) section 108 permanently prohibits the sale of any ''children's toy or child care article'' containing more than 0.1 percent of three specified phthalates. Section 108 of the CPSIA also prohibits on an interim basis ''toys that can be placed in a child's mouth'' or ''child care articles'' containing more than 0.1 percent of three additional phthalates. These prohibitions became effective on February 10, 2009. The purpose of this notice is to seek public comment on the draft approach prepared by CPSC staff for determining which products constitute a ''children's toy or child care article'' and therefore are subject to the requirements of section 108 of the CPSIA.[1]

DATES: Comments and submissions in response to this notice must be received by March 25, 2009.

ADDRESSES: Comments should be filed by e-mail to *section108definitions@cpsc.gov*. Comments also may be filed by telefacsimile to (301) 504–0127 or mailed, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814; telephone (301) 504–7530. Comments should be captioned ''Notice of Availability of Draft Guidance Regarding Which Children's Products are Subject to the Requirements of CPSIA Section 108.'' Depending upon comments received in response to this notice, the Commission will consider issuing a notice of proposed rulemaking addressing these issues.

FOR FURTHER INFORMATION CONTACT: Michael A. Babich, PhD, Directorate for Health Sciences, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Suite 600, Bethesda, MD 20814; telephone (301) 504–7253; e-mail *mbabich@cpsc.gov*.

SUPPLEMENTARY INFORMATION:

Introduction[2]

Section 108 of the Consumer Product Safety Improvement Act of 2008 (CPSIA)[3] permanently prohibits the sale of any ''children's toy or child care article'' containing more than 0.1 percent of three specified phthalates.[4] Section 108 also prohibits on an interim basis ''toys that can be placed in a child's mouth'' or ''child care articles'' containing more than 0.1 percent of three additional phthalates.[5] These prohibitions became effective on February 10, 2009.

The terms ''children's toy,'' ''toy that can be placed in a child's mouth,'' and ''child care article'' are defined in section 108, and the definitions apply only to this section of the Act. The staff of the U.S. Consumer Product Safety Commission (CPSC) has received many inquiries from manufacturers seeking clarification on which products are subject to the requirements of section 108 and, in response, has developed a possible approach to guide manufacturers in determining which products might be subject to the requirements.

The purpose of this notice is to seek public comment on the CPSC staff's draft approach for determining which products are subject to the requirements of section 108 of the CPSIA, and to seek additional information on how the approach could be applied to particular product classes. The examples discussed below are not comprehensive. Rather, they are intended to illustrate the staff's approach. Additionally, conclusions that are generally true for a class of products may not necessarily apply to each specific product in that class, for example, due to the way the product is advertised.

The requirements of section 108 apply to subsets of ''consumer products'' as defined by the Consumer Product Safety Act (CPSA).[6] Products such as food, cosmetics, and medical devices that are regulated by other federal agencies are generally not considered ''consumer products.'' However, some products may fall under the jurisdiction of more than one agency. For example, articles such as infant bottles and cups are under the jurisdiction of both CPSC and the U.S. Food and Drug Administration (FDA). FDA has jurisdiction over indirect food additives, that is, when there is a possibility that a chemical may migrate from the article into a food or beverage. CPSC generally has jurisdiction over the outer portion of the product, which directly contacts the consumer. However, section 108 is based on phthalate concentration within the product and does not distinguish between exposure pathways. Therefore, for the purpose of CPSIA section 108, articles such as infant bottles and cups are regarded as consumer products.

Children's Toys

Section 108 of the CPSIA defines a ''children's toy'' as a ''consumer product designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the

[1] The Commission voted unanimously (2–0) to publish the **Federal Register** Notice without change.

[2] This report was prepared by the CPSC staff; it has not been reviewed or approved, by, and may not necessarily reflect the views of, the Commission.

[3] Public Law 110–314.

[4] Di-(2-ethylhexyl)phthalate (DEHP), dibutyl phthalate (DBP), and benzyl butyl phthalate (BBP).

[5] Diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), and di-n-octyl phthalate (DnOP).

[6] 15 U.S.C. 1261(f)(2), 1960; it should be noted, however, while certain products are carved out of the definition of consumer product, they may be regulated by the Commission under the Federal Hazardous Substances Act (FHSA), should they pose a health hazard within the meaning of that Act.

child plays.'' [7] Any determination as to whether a particular product is designed or intended for use by a child 12 years of age or younger during play will be made after consideration of the following factors: [8]

- Whether the intended use of the product is for play, including a label on the product if such statement is reasonable.
- Whether the product is represented in its packaging, display, promotion or advertising as appropriate for use by the ages specified.
- Whether the product is commonly recognized by consumers as being intended for use by a child of the ages specified.
- The Age Determination Guidelines issued by the Commission staff in September 2002, and any successor to such guidelines.

In addition, as part of the staff's proposed approach, the CPSC staff looked to the definition of ''toy'' in the ASTM F963–07 toy safety standard for guidance.[9] The CPSIA makes ASTM F963 a mandatory CPSC standard on February 10, 2009. ASTM F963 excludes certain types of articles from the definition of toy:

- Bicycles
- Tricycles
- Sling shots and sharp-pointed darts
- Playground equipment
- Non-powder guns
- Kites
- Art materials, model kits, and hobby items in which the finished product is not primarily of play value [10]
- Sporting goods, camping goods, athletic equipment, musical instruments, and furniture, except for toy versions of these
- Powered models of aircraft, rockets, boats, and land vehicles

The staff considered various types of balls, from generic rubber or plastic balls that bounce to regulation-size baseballs. Generally, regulation-size baseballs, basketballs, footballs, and soccer balls are athletic equipment and, therefore, are excluded by ASTM F963. Accordingly, even if they are designed or sized for use by children, the staff's proposed approach would exclude them from the CPSIA section 108 requirements. In contrast, the staff has regarded general purpose balls as toys and therefore, subject to the requirements of the CPSIA section 108. A toy version of actual athletic equipment, such as a toy baseball glove with a foam ball would be considered by the staff to be a toy for the purpose of the CPSIA. A plastic bat and ball used by small children would also be considered by the staff to be toys. Small balls handed out as promotional items might be regarded as toys.

Ordinary books, including books for small children, are generally not regarded as toys.[11] However, some novelty books, such as plastic books marketed as bath toys, or books that incorporate sounds, may be regarded as toys under both ASTM F963 and CPSIA section 108.

Art and craft materials and model kits generally are excluded by ASTM F963. These products are subject to the requirements of the Labeling of Hazardous Art Materials Act (LHAMA), which applies to a broad range of chronic hazards and requires the product formulation to be reviewed by a qualified toxicologist.

Other examples of toys that might be subject to section 108 include: bath toys, pool toys, toddler wading pools, dolls, action figures, costumes, masks, and balloons.

Toys That Can Be Placed in a Child's Mouth

The CPSIA considers a toy to be a ''toy that can be placed in a child's mouth'' if ''any part of the toy can actually be brought to the mouth and kept in the mouth * * * so that it can be sucked and chewed.'' [12] In addition, if any part of the toy is less than 5 cm in any dimension, then it can be mouthed. Thus, if the manufacturer determines that an article is a ''toy'' under section 108 of the CPSIA, then the manufacturer must determine whether the toy can be mouthed.

Some manufacturers have asked whether the 5 cm criterion should be applied to inflatable toys in the inflated or deflated state. Pool toys and beach balls, for example, are designed to be inflated by the consumer, but are commonly available to children in deflated form. Therefore, the staff concludes that articles such as these must be considered in the deflated state. However, some general purpose balls are permanently inflated by the manufacturer and cannot be re-inflated by the consumer. Therefore, these articles may be considered in the inflated (normal) state. Inflatable regulation-size athletic equipment, such as basketballs, footballs, and soccer balls excluded by ASTM F963, are not considered toys.

Child Care Articles

Section 108 of the CPSIA defines a ''child care article'' as ''a consumer product designed or intended by the manufacturer to facilitate sleep or the feeding of children age 3 and younger, or to help such children with sucking or teething.'' [13] While the law uses the word ''facilitate,'' it is not defined. According to *Webster's Dictionary*, facilitate means to ''to make easier.'' As the staff began identifying products, it became clear that some products ''facilitate'' feeding, sleeping, sucking, or teething for the child directly, while other products ''facilitate'' those processes only indirectly, through the parent. The staff then considered the level of involvement or proximity of the child and product during the feeding, sleeping, sucking, or teething processes.

The staff proposes that products used directly in the mouth by the child are primary products subject to the regulation. For example, teethers and pacifiers go directly into the child's mouth. Products that have direct contact with the child, but may or may not have direct mouth contact, would also be considered primary products. For example, a bib is used during the feeding process, it helps protect the infant's clothing, and it has direct contact with the infant. A bib is also used when infants are teething to keep their clothing dry. Because of the close proximity to the infant's mouth and because infants explore their environment through mouthing, bibs can be expected to be chewed, sucked, and licked by infants, so they are considered primary products and would be subject to the regulation. Other examples of primary child care products might include: baby blanket, high chair, sipper cup, feeding bottle, and crib teething rail.

Another class of products to be considered includes consumer products that are not necessarily in direct physical contact with the child, but are in close proximity to the child, such as cribs, crib mattresses, toddler mattresses, mattress covers, or mattress pads. These products may or may not be considered to facilitate sleep.

Products that are used by the parent, but have no contact with the child, are considered secondary products and would not be subject to the regulation under the staff's proposal. For example, a consumer may use a bottle warmer to prepare the bottle to feed the infant. While the bottle warmer ''makes the

[7] CPSIA section 108(e)(1)(C).

[8] Section 108: Products Containing Certain Phthalates. *http://www.cpsc.gov/about/cpsia/faq/108faq.html*.

[9] Ibid.

[10] Art and craft materials are subject to the requirements of the Labeling of Hazardous Art Materials Act.

[11] General Counsel Advisory No. 323.

[12] CPSIA section 108(e)(2)(B).

[13] CPSIA section 108(e)(1)(C).

process easier'' for the adult feeding the infant, the bottle warmer and child have no interaction. Therefore, the staff considers the bottle warmer a secondary product. The staff proposes such secondary products to be outside the intended coverage of the law. Other examples of secondary child care articles might include: bottle cleaning products, breast pumps, nursing shield/pads, and highchair floor mats.

Another category of child care articles includes products that have multiple functions. Typically, these child care articles are larger products that offer parents/caregivers an alternative to holding their child, such as bouncers, swings, and some strollers. The law states that if the product is ''designed or intended by the manufacturer to facilitate sleep or feeding'' it is subject to this ban and interim ban. In staff review of various baby product Web sites, manufacturers acknowledge that infants will sleep in bouncers, swings, and some strollers and consumers commonly report these products helping their child to fall asleep. However, facilitating sleep is not the only function of these products. Swings and bouncers are sold with mobiles and music and other features to entertain the infant. While strollers are promoted as comfortable transportation, some also offer reclining seat backs for sleeping and trays for holding food and drinks for the child. Other strollers are very basic with a simple upright back design and no other features. Clearly, newborns and young infants spend the majority of their time sleeping and, therefore, are likely to sleep anywhere. The CPSC staff considers bouncers, swings, and some strollers to be secondary products. However, since some manufacturers may advertise their products as facilitating sleep, they may be subject to section 108. For example, if a product such as a reclining stroller is intentionally designed to facilitate sleeping, then this product may be regarded as a ''child care article'' for the purpose of section 108 of the CPSIA.

Any determination as to whether a particular product is a ''child care article'' as defined in section 108 of the CPSIA will be made after consideration of the following factors:

- Whether the intended use of the product is to facilitate sleeping, feeding, sucking, or teething, including a label on the product if such statement is reasonable.
- Whether the product is intended for use by children age 3 or younger.
- Whether the product is a primary or secondary facilitator of sleeping, feeding, sucking, or teething. In other words, does it facilitate the process for the child directly or indirectly through the parent/caregiver.
- Whether the product is commonly recognized by consumers as being intended to facilitate sleeping, feeding, sucking, or teething.

Some food contact products, such as infant bottles, cups, and eating utensils are under the jurisdiction of both CPSC and FDA. The staff regards these products as being subject to the requirements of CPSIA section 108, because they meet the definition of ''child care article.''

The definition of child care article includes only sleeping, feeding, sucking, and teething. Thus, products associated with other aspects of child care, such as bathing and diapering, are not subject to section 108.

Request for Comment

The Commission solicits written comments from all interested parties, including, but not limited to, the following topics:

I. General Approach

A. Provide comments on staff's approach to determining which products are subject to the requirements of CPSIA section 108. Explain.

a. Does it result in clear guidance? Why?

b. Do you have suggested changes to the approach? Why?

B. Is there an alternative approach that should be used? Please describe.

C. Is there any additional guidance on products that are subject to section 108 that would be useful to manufacturers? Describe.

D. What are the foreseeable consequences of the staff's approach?

II. Children's Toys and Child Care Articles

A. Should the Commission follow the exclusions listed in ASTM F963?

B. Some electronic devices (such as cellular phones with incorporated games, cameras or musical devices) are decorated or marketed such that they may be attractive to children 12 years old or younger. For example, they may be decorated with cartoon characters. Should these be considered toys that are subject to the phthalate requirements under section 108? What are the characteristics that would either make these products toys or not toys?

C. Are there particular art materials, model kits, or hobby items that should be regarded as toys subject to section 108? Why or why not?

D. The staff proposes that tricycles are not covered by section 108, because they are excluded by ASTM F963. However, the staff has generally regarded 3- and 4-wheel ride-ons, including ''Big Wheels,'' as toys. What distinguishes ride-on toys from tricycles?

E. Are there any other classes of products or specific products that should be excluded from the section 108 definition of toy? Why?

F. Is the staff's approach to distinguishing between primary and secondary child care articles technically sound? Explain.

G. Does the staff's approach focus on products for which there is the most potential for exposure to children age 3 years and under?

H. Should cribs be considered child care articles? Should the entire crib be subject to the requirements or only specific parts such as the teething rail? Why or why not?

I. Are there any classes of articles or particular articles that should be excluded from the section 108 definition of child care article? Why or why not?

J. Should the following articles be regarded as subject to the requirements of section 108? Why or why not? Should they be classified as toys, child care articles, or not included?

a. Bib
b. Pajamas
c. Crib or toddler mattress
d. Mattress cover
e. Crib sheets
f. Infant sleep positioner
g. Play sand
h. Baby swing
i. Decorated swimming goggles
j. Water wings
k. Shampoo bottle in animal or cartoon character
l. Costumes and masks
m. Baby walkers
n. Wading pools

K. Should all bouncers, swings, or strollers be subject to section 108 or only those advertised with a manufacturer's statement that the intended use is to facilitate sleeping, feeding, sucking, or teething? How should these be classified with respect to section 108? Toys? Child care articles? Not covered? Explain.

L. Should some promotional items be regarded as toys? What are the characteristics that would make these products toys or not toys?

M. Should playground equipment be excluded from the definition of toy? Is so, what types of equipment?

N. Should pools required to meet the standard be defined as those pools that do not require a filter and the addition of chemicals for maintenance?

O. Please comment on our phthalates test method which can be found on our Web site (add link).

Comments should be filed by e-mail to *section108definitions@cpsc.gov*. Comments also may be filed by telefacsimile to (301) 504–0127 or mailed, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814; telephone (301) 504–7530. Comments should be captioned ''Notice of Availability of Draft Guidance Regarding Which Children's Products are Subject to the Requirements of CPSIA Section 108.'' Depending upon comments received in response to this notice, the Commission will consider issuing a notice of proposed rulemaking addressing these issues. All comments and submissions should be received no later than March 25, 2009.

Dated: February 17, 2009.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. E9–3808 Filed 2–20–09; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Analysis of National Security Issues Associated With Specialty Metals

AGENCY: Office of the Deputy Under Secretary of Defense for Industrial Policy, Office of the Under Secretary of Defense for Acquisition, Technology and Logistics, DoD.

ACTION: Analysis of National Security Issues Associated with Specialty Metals.

SUMMARY: Specialty metals are not ''critical materials.'' There is no national security reason for the Department to take action to ensure a long term domestic supply of specialty metals.

FOR FURTHER INFORMATION CONTACT: Rick Lowden, (703) 601–5003.

SUPPLEMENTARY INFORMATION:

A. Congressional Direction

Section 843 of Public Law 109–364 required the establishment of a Strategic Materials Protection Board (SMPB) composed of representatives of the Secretary of Defense, the Under Secretaries for Intelligence and Acquisition, Technology, and Logistics, and the Secretaries of the Military Departments. The SMPB is to determine the need to provide a long-term domestic supply of strategic materials designated as critical to national security, and analyze the risk associated with each material and the effect on national defense that non-availability from a domestic source would have. 10 U.S.C. 2533b ''Requirement to buy strategic materials critical to national security from American sources'' currently lists specialty metals as strategic materials critical to national security.

In its Report to Congress of its meeting of July 17, 2007, the SMPB reported that it had formed, met, and agreed to initially focus its efforts on determining the need to take action to ensure a long term domestic supply of specialty metals as designated in 10 U.S.C. 2533b; and to direct the Board's Executive Secretary to conduct an initial analysis of national security issues associated with strategic materials (specialty metals); and to report the results of that analysis at the next SMPB meeting.

The SMPB held its second meeting on December 12, 2008 during which the SMPB agreed that the term ''Strategic Material'' shall mean—A material (1) which is essential for important defense systems, (2) which is unique in the function it performs, and (3) for which there are no viable alternatives. Strategic Materials include those specialty metals listed in 10 U.S.C. 2533b, and any other materials the Board may designate.

The SMPB also agreed that the term ''Material Critical to National Security'' (or ''Critical Material'') shall mean—A strategic material for which (1) the Department of Defense dominates the market for the material, (2) the Department's full and active involvement and support are necessary to sustain and shape the strategic direction of the market, and (3) there is significant and unacceptable risk of supply disruption due to vulnerable U.S. or qualified non-U.S. suppliers. Accordingly, the Board should initially focus its efforts on determining which strategic materials are ''materials critical to national security'' and require a long term domestic source of supply.

The SMPB also validated an *Initial Analysis of National Security Issues Associated with Strategic Materials.*

B. Initial Analysis of National Security Issues Associated With Strategic Materials

Summary

Reliable access to the materiel it needs is a bedrock requirement for the Department of Defense. However, reliable access does not always necessitate a domestic source.[1] In fact, the Department wants to take full advantage of the competitive benefits offered by access to the best global suppliers; and to promote consistency and fairness in dealing with its allies, all the while assuring that an adequate industrial base is maintained to support defense needs. Consequently, the Department uses, and sometimes may be dependent on, reliable non-U.S. suppliers. At the same time, the Department is not willing to accept foreign vulnerability which poses risks to national security. Non-U.S. suppliers represent a foreign vulnerability if their use would present an unacceptable risk that the Department would be unable to access the capabilities, products, or services that it needs, when it needs them.

The key finding of this analysis is that specialty metals, as defined in 10 U.S.C. 2533b, are not ''materials critical to national security'' for which only a U.S. source should be used; and there is no national security reason for the Department to take action to ensure a long term domestic supply of these specialty metals.[2] The ''criticality'' of a material is a function of its importance in DoD applications, the extent to which DoD actions are required to shape and sustain the market, and the impact and likelihood of supply disruption. The analysis showed that specialty metals are ''strategic materials'' which may require special monitoring and attention/action; but not, in general, a domestic source restriction.[3] Should reliable supplies/capacities be insufficient to meet potential requirements for a projected conflict, other risk mitigation options, including stockpiling, could represent an effective alternative.

High purity beryllium, however, is a critical material. Even in peacetime, defense applications dominate the market; it is essential for important defense systems and unique in the function it performs. In addition, domestic production capabilities have atrophied, and there are no reliable foreign suppliers. Accordingly, the Department should continue to take those special actions necessary to maintain a long term domestic supply of high purity beryllium. In fact, the Department has established a project

[1] For the purposes of this analysis, a domestic source is a member of the ''national technology and industrial base'' as defined in Title X of the United States Code, section 2500: ''persons and organizations that are engaged in research, development, production, or maintenance activities conducted within the United States and Canada.''

[2] Congress has placed no domestic source restrictions on the ores and other basic materials that are the precursors to specialty metals. However, for truly critical materials, reliable sources of supply for such ores and other basic materials also may be necessary.

[3] Notwithstanding this finding, the Department is complying, and will comply, with all statutory domestic source requirements.

under Title III of the Defense Production Act with U.S. supplier Brush-Wellman to build and operate a new high purity beryllium production facility.

The Strategic Materials Protection Board (SMPB) should review and validate any internal or external recommendations that identify strategic materials that are essential for a wide variety of important defense applications and for which there is a relatively high potential for supply disruption. For example, a relatively high potential for supply disruption would be represented by a situation in which reliable supplies (U.S. or non-U.S.) are projected to be insufficient to support the defense needs of the United States during peacetime and/or during a conflict. In such circumstances, DoD market intervention such as increasing or establishing reliable production capability and/or stockpiling may be an effective risk mitigation strategy.

Analysis

Specialty metals are not ''critical materials.'' There is no national security reason for the Department to take action to ensure a long term domestic supply of specialty metals.

The Specialty Steel Industry of North America (SSINA) produced a report in December 2005 entitled ''Specialty Metals and the National Defense.''[4] In it, the SSINA asserted that ''specialty metals are vitally important to virtually every U.S. military platform'' and provided a listing of the many DoD weapons systems that contain specialty metals. While many important DoD systems do incorporate specialty metals, incorporation into a DoD system does not, by itself, make a material ''critical to national security.'' If incorporation alone was sufficient, every type of material from plastic, to rubber and glass, would be a critical material. More discriminating criteria are needed to distinguish critical materials from the larger set of strategic materials.

The designation of a strategic material should be predicated on it meeting a ''technical'' criterion: The material should be essential for important defense systems and unique in the function it performs—there are no viable material alternatives available.

Critical materials are a subset of strategic materials. The Department of Defense should designate a material as ''critical to national security'' only if it meets the ''technical'' criterion of a ''strategic'' material; *and also meets two additional criteria*:

- *''Business'' criterion:* The Department of Defense dominates the market for the material, and its active and full involvement and support is necessary to sustain and shape the strategic direction of the market; *and*
- *''Security of Supply'' criterion:* There is significant and unacceptable risk of supply disruption due to vulnerable U.S. or qualified non-U.S. suppliers.

The Department agrees that strategic materials, including specialty metals, are essential for important defense systems, and in many cases are unique in the functions they perform. Therefore specialty metals are considered strategic materials. However, specialty metals do not meet the other criteria necessary to be considered critical materials.

The Department of Defense does not dominate the market for specialty metals; its active and full involvement and support is not necessary to sustain and shape the strategic direction of the market; and the risk of supply disruption is not significant. According to the SSINA, ''defense applications account for less than 10% of revenues in specialty metals companies.''[5] Recent Defense Contract Management Agency analysis of certain metals found that DoD consumes less than 1 percent of total U.S. steel production; about 6 percent of U.S. aluminum production; and between 8 and 10 percent of domestic titanium production. In 2007, U.S. and non-U.S. military end-use applications, including military aerospace, represented about 5 percent of worldwide titanium consumption. The health of the domestic specialty metals industry is, and will continue to be, determined by its ability to sell core commercial products to commercial customers.

Whether or not DoD applications are dominant in the specialty metals market, the Department has the ability, when necessary, to require that its orders be filled in advance of non-DoD orders. Under the Defense Priorities and Allocations System (DPAS; 15 CFR 700), U.S. suppliers must give DoD orders delivery preference over non-DoD (commercial) orders in the event of a supply constraint or delivery conflict. DPAS authorities, coupled with the size of the domestic specialty metals production capacity relative to limited DoD consumption, ensures the Department is able to purchase the quantity of specialty metals it needs from U.S. industry.

For a material to be elevated to ''critical material'' status there must also be a significant risk of supply disruption. For specialty metals, in addition to strong U.S. suppliers, there are reliable foreign suppliers. Specialty steels and metal alloys are produced globally; leading producers include Japan, South Korea, Germany, India, Brazil, Mexico, Canada, Australia, and the UK. Titanium and titanium alloys are produced in Japan, Italy, Germany, France, and the UK. Zirconium and zirconium alloys are produced in Canada, Germany, France, and Japan. Although many metals are commodities and traded throughout the global market, there are cases in which the price of a metal varies by region. Table 1 summarizes the sources and prices for a select set of metals. It highlights the extent to which such metals are imported into the United States, the largest producers world-wide and the largest importers into the Unite States, and differences in metal prices in domestic and foreign markets. (**Note** that there is no statutory domestic source restriction for titanium sponge.)

TABLE 1—SOURCES AND PRICES FOR SELECT METALS

Material	Import reliance (%)	Largest world producers (% of world production)	Largest U.S. import sources (% of U.S. imports)	Domestic source price ($/metric ton)	Foreign source price ($/metric ton)
Aluminum	26	China 32	Canada 55	$1,942	$1,852
		Russia 11	Russia 17.		
		Canada 8	Brazil 4.		
Raw Steel	12	China 37	Canada 17	756	710
		Japan 9	E.U. 16.		

[4] SSINA is a Washington, DC-based trade association representing virtually all continental specialty metals producers. The December 2005 report is available at *http://www.ssina.com/news/releases/pdf_releases/12_06_05_Defense_Paper.pdf.*

[5] SSINA press release, June 23, 2005.

TABLE 1—SOURCES AND PRICES FOR SELECT METALS—Continued

Material	Import reliance (%)	Largest world producers (% of world production)	Largest U.S. import sources (% of U.S. imports)	Domestic source price ($/metric ton)	Foreign source price ($/metric ton)
		U.S. 7	Mexico 11.		
Cobalt	78	Congo 36	Norway 21	43,266	44,899
		Canada 13	Russia 19.		
		Zambia 11	Canada 10.		
Copper	37	Chile 37	Chile 39	3,715	3,716
		Peru 8	Canada 32.		
		U.S. 8	Peru 15.		
Nickel (metal)	21	Russia 19	Canada 41	11,248	10,698
		Canada 15	Russia 16.		
		Australia 11	Norway 11.		
Titanium (sponge)	64	Japan 28	Kazakhstan 51	18,060	7,800
		Russia 23	Japan 37.		
		China 23	Russia 7.		
Zinc (refined)	58	China 27	Canada 64	1,231	1,152
		Peru 14	Mexico 17.		
		Australia 13	Kazakhstan 9.		
High Purity Beryllium	(1)	U.S. 77	Kazakhstan 42	357,000	(2)
		China 15	Germany 24.		
		Mozambique 5	U.K. 6.		

Sources: USGS 2008 Mineral Commodities Summaries, American Metal Market, COMEX, CRU Monitor, London Metal Exchange, Metal Bulletin, New York Dealer, New York Mercantile Exchange, Platts, Purchasing Magazine.
[1] Net exporter.
[2] Not available.

In accordance with DoD Handbook 5000.60–H, ''Assessing Defense Industrial Capabilities,'' reliable foreign suppliers are usually acceptable, and in fact are encouraged to allow the Department to obtain a wider competitive cost and technology base. Foreign dependence does not necessarily mean foreign vulnerability. Therefore, the Department uses foreign sources where advantageous and within the limitations of the law. However, in some circumstances foreign suppliers are not acceptable:

- Foreign sources may pose an unacceptable risk when there is a high ''market concentration'' combined with political or geopolitical vulnerability. A sole source supplier existing only in one physical location and vulnerable to serious political instability may not be available when needed.
- Suppliers from politically unfriendly or anti-American foreign countries, as defined by statute or U.S. Government policy, are not used to meet U.S. defense needs.
- A U.S. source may be needed for technologies and products that are either classified, offer unique warfighting superiority, or could be used by foreign nations to develop countermeasures.
- Suppliers that cannot or will not provide products for military applications for political reasons are not feasible sources.
- The Department of Defense is required by law to purchase a particular product from U.S. sources only.

In some instances, the Department must pay a premium in order to maintain a domestic production capability. For ''critical'' materials and comparable ''critical'' military-unique systems, subsystems, and components, the Department is willing to pay that premium to mitigate risk and ensure national defense/security. However, in addition to a price premium, in such cases the Department also may assume risk associated with insufficient production capacity to meet rapidly increased contingency or operational requirements. ''Captive'' DoD markets frequently size themselves to meet steady-state ''peacetime'' DoD demand and may not be able to surge production as rapidly as desired.

For example, the Department recently experienced a significant shortfall in thin gauge MIL–A grade steel armor production capacity necessary to support rapid production of the Mine Resistant Ambush Protected (MRAP) vehicle and other operationally-important ground vehicles requiring protective armor. The availability of steel, generally, was not a production constraint; but the availability of the specialized thin gauge, quenched and tempered steel (a ''specialty metal'') needed for DoD armor applications was a constraint. The Department was required to waive various statutory domestic source restrictions to meet operational requirements. The primary ''beneficiary'' of the waivers was U.S.-located Evraz-Oregon Steel. Although Oregon Steel quenches and tempers its steel in the United States, it does not have a blast furnace and buys its ingot from Mittal in Mexico. The addition of Oregon Steel increased relevant domestic production capacity by about 40 percent.

Conclusions

In summary, the fact that specialty metals are essential for important defense systems does not mean that specialty metals are critical materials, nor that national security requires that only U.S.-produced specialty metals be used for DoD applications.

Beryllium

High purity beryllium is both a strategic and a critical material.

High purity beryllium is essential for important defense systems, and it is unique in the function it performs. High purity beryllium possesses unique properties that make it indispensable in many of today's critical U.S. defense systems, including sensors, missiles and satellites, avionics, and nuclear weapons.

The Department of Defense dominates the market for high purity beryllium and its active and full involvement is necessary to sustain and shape the strategic direction of the market.

There is a significant risk of supply disruption. Without DoD involvement and support, U.S. industry would not be able to provide the material for defense applications. There are no reliable foreign suppliers that could provide

high purity beryllium to the Department.

Recognizing that high purity beryllium meets all the conditions for being a critical material, the Department should take, and has taken, special action to maintain a domestic supply. The Department has used the authorities of Title III of the Defense Production Act to contract with U.S. firm Brush-Wellman, Inc. to build and operate a new high purity beryllium production plant. The new facility will produce pure beryllium capable of meeting the specifications required for myriad national security applications.

Dated: February 6, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–3708 Filed 2–20–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Health Board (DHB) Meeting

AGENCY: Department of Defense (DoD).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix as amended), the Sunshine in the Government Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, and in accordance with section 10(a)(2) of Public Law, the following meeting of the Defense Health Board (DHB) is announced.

DATES: March 9–10, 2009.

March 9, 2009

7 a.m.–12 p.m. (Open Session).

12 p.m.–2:15 p.m. (Administrative Working Meeting).

2:15 p.m.–5:15 p.m. (Open Session).

March 10, 2009

8 a.m.–4:30 p.m. (Administrative Working Meeting).

ADDRESSES: Flagler Ballroom, Marriott Beachside Hotel, 3841 North Roosevelt Boulevard, Key West, Florida 33040.

FOR FURTHER INFORMATION CONTACT: Commander Edmond F. Feeks, Executive Secretary, Defense Health Board, Five Skyline Place, 5111 Leesburg Pike, Suite 810, Falls Church, Virginia 22041–3206, (703) 681–8448, EXT. 1228, Fax: (703) 681–3317, *edmond.feeks@tma.osd.mil.* Additional information, agenda updates, and meeting registration are available online at the Defense Health Board Web site, *http://www.ha.osd.mil/dhb.* The public is encouraged to register for the meeting. If special accommodations are required to attend (sign language, wheelchair accessibility) please contact Ms. Lisa Jarrett at (703) 681–8448 ext. 1280 by February 27, 2009. Written statements may be mailed to the above address, e-mailed to *dhb@ha.osd.mil* or faxed to (703) 681–3317.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: The purpose of the meeting is to address and deliberate pending and new Board issues and provide briefings for Board members on topics related to ongoing Board business.

Agenda: On March 9, 2009, the Board will receive briefings on military operations worldwide and in the Key West, Florida area. The following Defense Health Board Subcommittees will present updates to the Board: the Department of Defense Joint Pathology Center Work Group, the Task Force on the Review of the Department of Defense Biological Research Portfolio and Biodefense Infrastructure, the Psychological Health External Advisory Subcommittee, the Trauma and Injury Subcommittee, the Health Care Delivery External Advisory Subcommittee, the National Capital Region Base Realignment and Closure Subcommittee, and the Traumatic Brain Injury Family Caregivers Panel. The Board will also receive an informational briefing on the use of apheresis platelets and fresh whole blood in trauma situations. The Board will conduct administrative sessions in concert with the meeting on March 9, 2009 and on March 10, 2009. Pursuant to 41 Code of Federal Regulations, Part 102–3.160, the administrative working meetings are closed to the public.

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject availability of space, the Defense Health Board meeting from 7 a.m. to 12 p.m. and from 2:15 p.m. to 5:15 p.m. on March 9, 2009 is open to the public. Any member of the public wishing to provide input to the Defense Health Board should submit a written statement in accordance with 41 CFR 102–3.140(C) and section 10(a)(3) of the Federal Advisory Committee Act, and the procedures described in this notice. Written statement should be not longer than two type-written pages and must address the following detail: The issue, discussion, and a recommended course of action. Supporting documentation may also be included as needed to establish the appropriate historical context and to provide any necessary background information.

Individuals desiring to submit a written statement may do so through the Board's Designated Federal Officer at the address detailed above at any point. However, if the written statement is not received at least 10 calendar days prior to the meeting, which is subject to this notice, then it may not be provided to or considered by the Defense Health Board until the next open meeting.

The Designated Federal Officer will review all timely submissions with the Defense Health Board Chairperson, and ensure they are provided to members of the Defense Health Board before the meeting that is subject to this notice. After reviewing the written comments, the Chairperson and the Designated Federal Officer may choose to invite the submitter of the comments to orally present their issue during an open portion of this meeting or at a future meeting.

The Designated Federal Officer, in consultation with the Defense Health Board Chairperson, may, if desired, allot a specific amount of time for members of the public to present their issues for review and discussion by the Defense Health Board.

Dated: February 17, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–3767 Filed 2–20–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2009-OS–0025]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice to Amend a System of Records.

SUMMARY: The Defense Finance and Accounting Service (DFAS) is proposing to amend a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on March 25, 2009 unless comments are received which would result in a contrary determination.

ADDRESSES: Send comments to the Defense Finance and Accounting Service, FOIA/PA Program Manager, Corporate Communications and Legislative Liaison, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Krabbenhoft at (303) 589–3510.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service systems of notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: February 17, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

T5015b

SYSTEM NAME:

Privacy Act Request Files (September 16, 1998, 63 FR 49554).

CHANGES:

* * * * *

SYSTEM LOCATIONS:

Delete entry and replace with ''Defense Finance and Accounting Service, Indianapolis, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Defense Finance and Accounting Service, Cleveland, 1240 East Ninth Street, Cleveland, OH 44199–2055.

Defense Finance and Accounting Service, Columbus, 3990 East Broad Street, Building #21, Columbus, OH 43213–1152.''

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Full name, Social Security Number (SSN), address, telephone number, letters, memoranda, legal opinions, messages, and miscellaneous documents relating to an individual's request for access to, or amendment of, records concerning that person, including letters of denial, appeals, statements of disagreements, and related documents accumulated in processing requests received under the Privacy Act of 1974.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 552a, The Privacy Act of 1974, as amended, as implemented by DFAS Regulation; DoD 5400.11–R, Privacy Program; and E.O. 9397 (SSN).''

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information from this system may be provided to other Federal, state, and local agencies when it is necessary to coordinate responses or denials.

The 'DoD Blanket Routine Uses' published at the beginning of the DFAS compilation of systems of records notices apply to this system.''

* * * * *

STORAGE:

Delete entry and replace with ''Paper file folders and on electronic storage media.''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) responsible for servicing the record in performance of their official duties and who are properly screened and cleared for need-to-know. Access to computerized data is restricted by passwords, which are changed periodically.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Official Privacy Act requests are kept a minimum of 2 years; requests denied but not appealed are destroyed after 5 years; requests for access or amendment and appeals or denial are destroyed 4 years after final action or 3 years after adjudication by the courts, whichever is later; control logs of accounting of disclosures are kept 5 years or in accordance with the approved disposition instructions for the related subject records, whichever is later. Records are destroyed by shredding, pulping, burning or degaussing.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Defense Finance and Accounting Service, Corporate Communications and Legislative Liaison, Freedom of Information Act/Privacy Act Program Manager, 8899 E. 56th Street, Indianapolis, IN 46249–0150.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Defense Finance and Accounting Service, Corporate Communications and Legislative Liaison, 8899 E. 56th Street, Indianapolis, IN 46249–1050.

Individual should furnish full name, Social Security Number, current address, and telephone number.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Defense Finance and Accounting Service, Corporate Communications and Legislative Liaison, 8899 E. 56th Street, Indianapolis, IN 46249–1050.

Individual should furnish full name, Social Security Number, current address, and telephone number.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The DFAS rules for accessing records, for contesting contents and appealing initial agency determinations are published in DFAS Regulation 5400.11–R; 32 CFR part 324; or may be obtained from the Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 8899 E. 56th Street, Indianapolis, IN 46249–1050.''

RECORDS SOURCE CATEGORIES:

Delete entry and replace with ''Records are obtained from the individual requester, DFAS Components, such as, Army, Navy, Air Force, and Marine Corps, and other Federal, state, and local governments, as applicable or appropriate, for processing the case.''

* * * * *

T5015b

SYSTEM NAME:

Privacy Act Request Files.

SYSTEM LOCATION:

Defense Finance and Accounting Service, Indianapolis, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Defense Finance and Accounting Service, Cleveland, 1240 East Ninth Street, Cleveland, OH 44199–2055.

Defense Finance and Accounting Service, Columbus, 3990 East Broad Street, Building #21, Columbus, OH 43213–1152.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who request access to, information from, or amendment of records about themselves maintained by the Defense Finance and Accounting Service under the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Full name, Social Security Number (SSN), address, telephone number, letters, memoranda, legal opinions, messages, and miscellaneous documents relating to an individual's request for access to, or amendment of, records concerning that person, including letters of denial, appeals, statements of disagreements, and related documents accumulated in processing requests received under the Privacy Act of 1974.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 552a, The Privacy Act of 1974, as amended, as implemented by DFAS Regulation; DoD 5400.11–R, Privacy Program; and E.O. 9397 (SSN).

PURPOSE(S):

To record, process, and coordinate individual requests for access to, or amendment of personal records, and appeals on denials of requests for access or amendment to personal records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information from this system may be provided to other Federal, state, and local agencies when it is necessary to coordinate responses or denials.

The ''DoD Blanket Routine Uses'' published at the beginning of the DFAS compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper file folders and on electronic storage media.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) responsible for servicing the record in performance of their official duties and who are properly screened and cleared for need-to-know. Access to computerized data is restricted by passwords, which are changed periodically.

RETENTION AND DISPOSAL:

Official Privacy Act requests are kept a minimum of 2 years; requests denied but not appealed are destroyed after 5 years; requests for access or amendment and appeals or denial are destroyed 4 years after final action or 3 years after adjudication by the courts, whichever is later; control logs of accounting of disclosures are kept 5 years or in accordance with the approved disposition instructions for the related subject records, whichever is later. Records are destroyed by shredding, pulping, burning or degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Finance and Accounting Service, Corporate Communications and Legislative Liaison, Freedom of Information Act/Privacy Act Program Manager, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Defense Finance and Accounting Service, Corporate Communications and Legislative Liaison, 8899 E. 56th Street, Indianapolis, IN 46249–1050.

Individual should furnish full name, Social Security Number, current address, and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Defense Finance and Accounting Service, Corporate Communications and Legislative Liaison, 8899 E. 56th Street, Indianapolis, IN 46249–1050.

Individual should furnish full name, Social Security Number, current address, and telephone number.

CONTESTING RECORD PROCEDURES:

The DFAS rules for accessing records, for contesting contents and appealing initial agency determinations are published in DFAS Regulation; DoD 5400.11–R; 32 CFR part 324; or may be obtained from the Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 8899 E. 56th Street, Indianapolis, IN 46249–1050.

RECORD SOURCE CATEGORIES:

Records are obtained from the individual requester, DFAS Components, such as, Army, Navy, Air Force, and Marine Corps, and other Federal, state, and local governments, as applicable or appropriate, for processing the case.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E9–3699 Filed 2–20–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2009–OS–0024]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice to Amend a System of Records.

SUMMARY: The Defense Finance and Accounting Service (DFAS) is proposing to amend a system of records notice in its inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on March 25, 2009 unless comments are received which would result in a contrary determination.

ADDRESSES: Send comments to the Defense Finance and Accounting Service, FOIA/PA Program Manager, Corporate Communications and Legislative Liaison, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Krabbenhoft at (303) 589–3510.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service systems of notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: February 17, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

T5500a

SYSTEM NAME:

Congressional Inquiry File System (September 16, 1998, 63 FR 49554).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Primary location: Defense Finance and Accounting Service Headquarters, 1851 S. Bell Street, Arlington, VA 22202–4511.

SECONDARY LOCATIONS:

Defense Finance and Accounting—Cleveland, 1240 East Ninth Street, Cleveland, OH 44199–2055.

Defense Finance and Accounting Service—Columbus, 4280 East Fifth Avenue, Columbus, OH 43219–1879.''

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'DoD Blanket Routine Uses' published at the beginning of the DFAS compilation of systems of records notices apply to this system.''

* * * * *

STORAGE:

Delete entry and replace with ''Paper records in file folders and electronic storage media.''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) responsible for servicing the record in performance of their official duties and who are properly screened and cleared for need-to-know. Access to computerized data is restricted by passwords, which are changed periodically.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Temporary records are cut off at the end of the calendar year and retained from 180 days to 2 years after cutoff. Permanent records are cut off at the end of the calendar year and retained on site for 5 years and then retired to the appropriate Federal Records Center. Records are destroyed by degaussing, shredding, tearing, or pulping.''

SYSTEMS MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Defense Finance and Accounting Service, Operations Directorate, 8899 East 56th Street, Indianapolis, IN 46249–0001.''

NOTIFICATION PROCEDURES:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Defense Finance and Accounting Service, Corporate Communications and Legislative Liaison, Freedom of Information Act/Privacy Act Program Manager, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Individual should furnish full name, Social Security Number, current address, telephone number and/or other identifying information verifiable from the records.''

RECORDS ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Defense Finance and Accounting Service, Corporate Communications and Legislative Liaison, Freedom of Information Act/Privacy Act Program Manager, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Individual should furnish full name, Social Security Number, current address, telephone number and/or other identifying information verifiable from the records.''

CONTESTING RECORDS PROCEDURES:

Delete entry and replace with ''The DFAS rules for accessing records, for contesting contents and appealing initial agency determinations are published in DFAS Regulation; DoD 5400.11–R; 32 CFR part 324; or may be obtained from the Freedom of Information/Privacy Act Program Manager, Defense Finance and Accounting Service, Corporate Communications and Legislative Liaison, Freedom of Information Act/Privacy Act Program Manager, 8899 E. 56th Street, Indianapolis, IN 46249–0150.''

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''Information is obtained from the individual requester and the Congressman, Senator or their staff.''

* * * * *

T5500a

SYSTEM NAME:

Congressional Inquiry File.

SYSTEM LOCATION:

Primary location: Defense Finance and Accounting Service Headquarters, 1851 S. Bell Street, Arlington, VA 22202–4511.

Secondary locations: Defense Finance and Accounting—Cleveland, 1240 East Ninth Street, Cleveland, OH 44199–2055.

Defense Finance and Accounting Service—Columbus, 4280 East Fifth Avenue, Columbus, OH 43219–1879.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who contacts a Member of Congress requesting that the Member solicit information from the Defense Finance and Accounting Service (DFAS) on their behalf.

CATEGORIES OF RECORDS IN THE SYSTEM:

Full name, Social Security Number, current address, telephone number and/or other identifying information verifiable from the records. Correspondence and related records from and to Members of Congress pertaining to requests for Congressional assistance in resolving problems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; DoD Directive 5400.4, Provisions of Information to Congress; and DFAS Regulation 003 and E.O. 9397 (SSN).

PURPOSE(S):

To maintain a record of Congressional inquiries and the DFAS response.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'DoD Blanket Routine Uses' published at the beginning of the DFAS compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic media.

RETRIEVABILITY:

Retrieved by constituent's name and Social Security Number, and Congressman's name.

SAFEGUARDS:

Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) responsible for servicing the record in performance of their official duties and who are properly screened and cleared for need-to-know. Access to computerized data is restricted by passwords, which are changed periodically.

RETENTION AND DISPOSAL:

Temporary records are cut off at the end of the calendar year and retained from 180 days to 2 years after cut off. Permanent records are cut off at the end of the calendar year and retained on site for 5 years and then retired to the appropriate Federal Records Center. Records are destroyed by degaussing, shredding, tearing, or pulping.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Finance and Accounting Service, Operations Directorate, 8899 East 56th Street, Indianapolis, IN 46249–0001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Defense Finance and Accounting Service, Corporate Communications and Legislative Liaison, Freedom of Information Act/Privacy Act Program Manager, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Individual should furnish full name, Social Security Number, current address, telephone number and/or other identifying information verifiable from the records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Defense Finance and Accounting Service, Corporate Communications and Legislative Liaison, Freedom of Information Act/Privacy Act Program Manager, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Individual should furnish full name, Social Security Number, current address, telephone number and/or other identifying information verifiable from the records.

CONTESTING RECORD PROCEDURES:

The DFAS rules for accessing records, for contesting contents and appealing initial agency determinations are published in DFAS Regulation; DoD 5400.11–R; 32 CFR part 324; or may be obtained from the Freedom of Information/Privacy Act Program Manager, at Defense Finance and Accounting Service, Corporate Communications and Legislative Liaison, Freedom of Information Act/Privacy Act Program Manager, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual requester and the Congressman, Senator or their staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E9–3700 Filed 2–20–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Publication of Housing Price Inflation Adjustment Under 50 U.S.C. App. 531

AGENCY: DoD, Office of the Under Secretary (Personnel and Readiness).

ACTION: Notice.

SUMMARY: The Servicemembers Civil Relief Act, as codified at 50 U.S.C. App. 531, prohibits a landlord from evicting a Service member (or the Service member's family) from a residence during a period of military service except by court order. The law as originally passed by Congress applied to dwellings with monthly rents of $2400 or less. The law requires the Department of Defense to adjust this amount annually to reflect inflation, and to publish the new amount in the **Federal Register**. We have applied the inflation index required by the statute. The maximum monthly rental amount for 50 U.S.C. App. 531(a)(1)(A)(ii) as of January 1, 2009, will be $2,932.31.

EFFECTIVE DATE: January 1, 2009.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel Thomas R. Williams II, Office of the Under Secretary of Defense for Personnel and Readiness, (703) 697–3387.

Dated: February 17, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–3703 Filed 2–20–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Office of the Secretary of Defense (Health Affairs)/TRICARE Management Activity

AGENCY: Department of Defense.

ACTION: Notice of an Extension of a TRICARE Demonstration Project for the State of Alaska.

SUMMARY: This notice is to advise interested parties of the extension of a Military Health System (MHS) demonstration project entitled ''TRICARE Demonstration Project for the State of Alaska.'' The original demonstration notice was published on May 18, 2004 (69 FR 28124–28125) and described a demonstration project to exempt from the TRICARE managed care support contract for the Western Region the underwriting provisions for the cost of civilian health care in the State of Alaska. The demonstration was to be conducted for up to five years after the start of health care delivery under the contract and therefore is scheduled to end on March 31, 2009. The demonstration project will now be extended for one additional year (March 31, 2010).

DATES: *Effective Date:* The extension of the demonstration will be effective April 1, 2009.

FOR FURTHER INFORMATION CONTACT: Mr. Michael O'Bar, Office of the Assistant Secretary of Defense (Health Affairs)—TRICARE Management Activity, TRICARE Policy and Operations Directorate, 5111 Leesburg Pike, Suite 810, Falls Church, VA 22041–3206; telephone (703) 681–0039.

SUPPLEMENTARY INFORMATION:

A. Background

For additional information on the TRICARE Demonstration Project for the State of Alaska, please see 69 FR 28124–28125. The demonstration notice focused on the unique situation involved in the delivery of health care services in the State of Alaska which cannot be addressed fully by applying all of the at-risk standards that apply to the TRICARE managed care support contracts under which services are provided in the other 49 states without some modification. Under the extended

demonstration, the current Western Region managed care support contractor will continue to be exempt from the underwriting provisions for the cost of civilian health care in the State of Alaska. The contractor shall provide all the services required for Alaska as specified in the TRICARE Operations Manual, Chapter 23, but will not be responsible for the underwriting fee associated with providing those services under that chapter. All other provisions contained in the TRICARE managed care support contract, TRICARE Operations Manual (6010.51–M), TRICARE Policy Manual (6010.54–M), TRICARE Systems Manual (7950.1–M), and TRICARE Reimbursement Manual (6010.55–M), shall apply in Alaska.

B. Description of Extension of Demonstration Project

The demonstration project will now be extended for one additional year (March 31, 2010).

Dated: February 17, 2009.

Patricia Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9–3706 Filed 2–20–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

2005 Base Closure and Realignment (BRAC) Recommendations for the Joint Strike Fighter Initial Joint Training Site at Eglin Air Force Base, FL

ACTION: Record of Decision (ROD).

SUMMARY: On February 5, 2009, the United States Air Force signed the ROD for the implementation of the BRAC 2005 recommendations for the Joint Strike Fighter (JSF) Initial Joint Training Site (IJTS) at Eglin Air Force Base (AFB), Florida. The ROD states the Air Force decision to implement portions of the Alternative 1 cantonment and Alternative 1 flight training action alternatives, by allowing delivery of 59 aircraft, associated cantonment construction, and limiting flight training operations until a Supplemental Environmental Impact Statement (EIS) is completed. The decision was based on matters discussed in the Final EIS, inputs from the public and regulatory agencies, and other relevant factors. On October 17, 2008 the Final EIS Notice of Availability was published in the **Federal Register** (Volume 73, Number 202, Page 61859) with the waiting period for signing the ROD ending on November 17, 2008.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Spaits, Public Affairs Officer, 96 ABW/PA, Eglin AFB, FL 32542–500, phone (850) 882–2878.

Bao-Anh Trinh,

Air Force Federal Register Liaison Officer.

[FR Doc. E9–3714 Filed 2–20–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Government-Owned Inventions; Available for Licensing

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The invention listed below is assigned to the United States Government as represented by the Secretary of the Navy. U.S. Patent No. 5,693,794: Caged Polynitramine Compound, Navy Case No. 70631.

ADDRESSES: Requests for copies of the inventions cited should be directed to Naval Air Warfare Center Weapons Division, Code 4L4400D, 1900 N. Knox Road Stop 6312, China Lake, CA 93555–6106 and must include the Navy Case number.

FOR FURTHER INFORMATION CONTACT: Michael D. Seltzer, Ph.D., Head, Technology Transfer Office, Naval Air Warfare Center Weapons Division, Code 4L4400D, 1900 N. Knox Road Stop 6312, China Lake, CA 93555–6106, *telephone:* 760–939–1074, *FAX:* 760–939–1210, *E-mail: michael.seltzer@navy.mil.*

(Authority: 35 U.S.C. 207, 37 CFR Part 404.7)

Dated: February 13, 2009.

A.M. Vallandingham,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E9–3751 Filed 2–20–09; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Closed Meeting of the Chief of Naval Operations (CNO) Executive Panel

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The CNO Executive Panel will report on the findings and recommendations of the Piracy Subcommittee to the Chief of Naval Operations. The executive session of this meeting will consist of discussions of current and national and Naval strategies, plans, and policies as they relate to counter-piracy efforts from a U.S. Navy perspective, both as an independent entity and as a member of a coalition task force. The discussion of such information would be exempt from public disclosure as set forth in sections 552b(c)(5), (6), and (7) of title 5, United States Code. For this reason the executive session of this meeting will be closed to the public.

DATES: The closed Executive Session will be held on March 11, 2009 from 12:30 p.m. to 3 p.m.

ADDRESSES: The meeting will be held at CNA Building, 4825 Mark Center Drive, Alexandria, VA 22311–1846, Room 1A01.

FOR FURTHER INFORMATION CONTACT: Bree A. Hartlage, CNO Executive Panel, 4825 Mark Center Drive, Alexandria, VA 22311–1846, *telephone:* 703–681–4907.

SUPPLEMENTARY INFORMATION: This notice of meeting is provided per the Federal Advisory Committee Act, as amended (5 U.S.C. App.). The executive session of this meeting will consist of discussions of current and national and Naval strategies, plans, and policies as they relate to counter-piracy efforts from a U.S. Navy perspective, both as an independent entity and as a member of a coalition task force. Discussion of such information cannot be adequately segregated from other topics, which precludes opening the executive session of this meeting.

Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of this meeting be closed to the public because it will be concerned with matters listed in sections 552b(c)(5), 6, and (7) of title 5, United States Code.

Dated: February 13, 2009.

A.M. Vallandingham,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E9–3754 Filed 2–20–09; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Overview Information; Recreational Programs; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2009

Catalog of Federal Domestic Assistance (CFDA) Number: 84.128J.

Dates:

Applications Available: February 23, 2009.

Deadline for Transmittal of Applications: April 24, 2009.

Deadline for Intergovernmental Review: June 23, 2009.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Recreational Programs is to provide individuals with disabilities with recreational activities and related experiences to aid in their employment, mobility, socialization, independence, and community integration. The local recreation projects that are funded under this program will continue after Federal assistance ends.

Pursuant to 34 CFR 369.42(a), Recreational Programs must provide services in the same manner as services provided under the State plan for vocational rehabilitation services under 34 CFR 361. Under the State plan vocational rehabilitation services must be provided to assist individuals with disabilities, including youths with disabilities transitioning from school to work, to achieve an employment outcome; therefore, services provided under Recreational Programs also must be directed to these adults and transitioning youths.

Statutory Requirements

All applicants seeking funding under this competition must—

(a) Describe the manner in which the applicant will address the needs of individuals with disabilities from minority backgrounds (section 21(c) of the Rehabilitation Act of 1973, as amended) (the Act);

(b) Describe the manner in which the findings and results of the project to be funded under the grant, particularly information that facilitates the replication of the results of that project, will be made generally available (section 305(a)(4)(A) of the Act);

(c) Demonstrate ways in which recreational activities assist in maximizing the independence and integration of individuals with disabilities into community-based recreational programs (section 305(a)(1)(C) of the Act);

(d) Assure that the project will maintain, at a minimum, the same level of services over the three-year project period (section 305(a)(5) of the Act);

(e) Describe how the service program funded under the grant will be continued after Federal assistance ends (section 305(a)(4)(B) of the Act); and

(f) Provide non-Federal resources (in cash or in-kind) to pay the non-Federal share cost of the project in year two at 25 percent of the year one Federal grant and in year three at 50 percent of the year one Federal grant (section 305(a)(3)(B) of the Act).

Priority: This priority is from the notice of final priority for this program, published in the **Federal Register** on April 19, 2001 (66 FR 20176).

Absolute Priority: For FY 2009 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Projects must provide recreational services to individuals with disabilities. Recreational services include, but are not limited to, vocational skills development, leisure education, leisure networking, leisure resource development, physical education and sports, scouting and camping, 4-H activities, music, dancing, handicrafts, art, and homemaking. Recreational services do not include the construction of facilities for aquatic rehabilitation therapy. Projects must provide recreational services to individuals with disabilities in settings with peers who are not individuals with disabilities.

Program Authority: 29 U.S.C. 775.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, and 86. (b) The regulations for this program in 34 CFR part 369. (c) The notice of final priority published in the **Federal Register** on April 19, 2001 (66 FR 20176).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration's budget request for FY 2009 does not include funds for this program. However, we are inviting applications to allow enough time to complete the grant process before the end of the current fiscal year, if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2010 from the list of unfunded applicants from this competition.

Estimated Range of Awards: $130,000–$140,000.

Estimated Average Size of Awards: $130,000.

Estimated Number of Awards: 7.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* States, public agencies, and nonprofit private organizations.

2. *Cost Sharing or Matching:* The Federal share of the cost of a project is 100 percent in the first year, 75 percent of the year one cost in the second year, and 50 percent of the year one cost in the third year. The local match may be in cash or in-kind contributions. *See* section 305(a)(3) of the Act.

IV. Application and Submission Information

1. *Address to Request Application Package:* Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone, toll free: 1–877–433–7827. FAX: (301) 470–1244.

If you use a telecommunications device for the deaf (TDD), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *http://www.ed.gov/pubs/edpubs.html* or at its e-mail address: *edpubs@inet.ed.gov*.

If you request an application package from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.128J.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.*, braille, large print, audiotape, or computer diskette) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

3. *Submission Dates and Times:*

Applications Available: February 23, 2009.

Deadline for Transmittal of Applications: April 24, 2009.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (*http://www.grants.gov*). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under *For Further Information Contact* in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: June 23, 2009.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:*

Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Recreational Programs, CFDA number 84.128J, must be submitted electronically using the Governmentwide Grants.gov Apply site at *http://www.grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for Recreational Programs at *http://www.grants.gov*. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.*, search for 84.128, not 84.128J).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf*.
- To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must

obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under *For Further Information Contact* in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Ed Hofler, U.S. Department of Education, 400 Maryland Avenue, SW., room 5065, PCP, Washington, DC 20202–2800. FAX: (202) 245–7592.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.128J), LBJ Basement Level 1, 400 Maryland Avenue, SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.128J), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

Selection Criteria: The selection criteria for this competition are in 34 CFR 75.210 and are listed in the application package.

In addition to the selection criteria used in accordance with the procedures in 34 CFR 75, the Secretary, under 34 CFR 369.32, considers such factors as the geographical distribution of projects in each program category throughout the country and the past performance of the applicant in carrying out similar activities under previously awarded grants.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:*

We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved

application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), a measure has been developed for evaluating the overall effectiveness of Recreational Programs: The percentage of projects in operation one, two, and three years after Federal funding ends. The Rehabilitation Services Administration (RSA) collects data on this measure by contacting grantees once a year after the project period has ended. All grantees will be expected to submit an annual performance report documenting their success in maintaining the same level of service over their three-year project period and to provide information to RSA when they are contacted about their ongoing activities after the project period has ended.

VII. Agency Contact

For Further Information Contact: Ed Hofler, U.S. Department of Education, 400 Maryland Avenue, SW., room 5065, Potomac Center Plaza (PCP), Washington, DC 20202–2800. Telephone: (202) 245–7377 or by e-mail: *ed.hofler@ed.gov.*

If you use a TDD, call the Federal Relay Service (FRS), toll-free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.*, braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Delegation of Authority: The Secretary of Education has delegated authority to Andrew J. Pepin, Executive Administrator for Special Education and Rehabilitative Services to perform the functions of the Assistant Secretary for Special Education and Rehabilitative Services.

Dated: February 18, 2009.

Andrew J. Pepin,

Executive Administrator for Special Education and Rehabilitative Services.

[FR Doc. E9–3813 Filed 2–20–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; List of Correspondence

AGENCY: Department of Education.

ACTION: List of correspondence from July 1, 2008 through September 30, 2008.

SUMMARY: The Secretary is publishing the following list pursuant to section 607(f) of the Individuals with Disabilities Education Act (IDEA). Under section 607(f) of the IDEA, the Secretary is required, on a quarterly basis, to publish in the **Federal Register** a list of correspondence from the U.S. Department of Education (Department) received by individuals during the previous quarter that describes the interpretations of the Department of the IDEA or the regulations that implement the IDEA.

FOR FURTHER INFORMATION CONTACT: Laurel Nishi or Mary Louise Dirrigl. *Telephone:* (202) 245–7468.

If you use a telecommunications device for the deaf (TDD), you can call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain a copy of this notice in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the contact persons listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: The following list identifies correspondence from the Department issued from July 1, 2008 through September 30, 2008. Included on the list are those letters that contain interpretations of the requirements of the IDEA and its implementing regulations, as well as letters and other documents that the Department believes will assist the public in understanding the requirements of the law and its regulations. The date of and topic addressed by each letter are identified, and summary information is also provided, as appropriate. To protect the privacy interests of the individual or individuals involved, personally identifiable information has been redacted, as appropriate.

Part B—Assistance for Education of All Children With Disabilities

Section 612—State Eligibility

Topic Addressed: Least Restrictive Environment.

○ Letter dated July 9, 2008 to Vermont Parent Information Center Lead Family Consultant Martha Frank, clarifying the factors that must be considered when a parent requests a public placement for their child at a private postsecondary institution.

Topic Addressed: State Educational Agency General Supervisory Authority.

○ Letter dated July 1, 2008 to individuals (personally identifiable information redacted), concerning requirements for timely State complaint resolutions.

○ Letter dated July 1, 2008 to Decatur, Georgia Attorney Jonathan A. Zimring concerning the minimum State complaint procedures in the regulations for Part B of the IDEA and concerns about the Georgia State educational agency's resolution of a particular State complaint.

○ Letter dated July 9, 2008 to individual (personally identifiable information redacted), concerning the minimum State complaint procedures in the regulations for Part B of the IDEA and concerns about a State educational agency's resolution of a particular State complaint.

○ Letter dated July 9, 2008 to The ARC of Pennsylvania Executive Director Stephen H. Suroviec, declining his request for the Office of Special Education Programs to conduct an investigation of the Pennsylvania Department of Education's (PDE) due process system, describing the minimum State complaint procedures in the regulations for Part B of the IDEA,

and responding to concerns about the PDE's resolution of a particular State complaint.

○ Letter dated August 7, 2008 to Idaho Commission for the Blind and Visually Impaired Administrator Angela Jones, concerning a separate State agency that would provide outreach programs for children who are blind or visually impaired.

Topic Addressed: Obligations Related to and Methods of Ensuring Services.

○ Letter dated July 23, 2008 to Kinney Management Services, LLC representative Joseph Kinney, reiterating the Department's position that Medicaid billing issues are governed primarily by Medicaid requirements and State law, and explaining the parental consent requirements that apply when access to public benefits or insurance is sought.

Section 615—Procedural Safeguards

Topic Addressed: Prior Written Notice.

○ Letter dated August 15, 2008 to Missouri Department of Elementary and Secondary Education Assistant Commissioner Heidi Atkins Lieberman, concerning whether the prior written notice requirements in Part B of the IDEA are applicable when a parent proposes a change or a public agency proposes a change with which a parent agrees.

Topic Addressed: Protections for Children Not Yet Eligible for Special Education and Related Services.

○ Letter dated August 15, 2008 to Kentucky School Boards Association Senior Attorney Teresa T. Combs, clarifying the requirements in Part B of the IDEA that apply to evaluations of children suspected of having specific learning disabilities when those students are subject to disciplinary measures.

Part C—Infants and Toddlers With Disabilities

Section 632—Definitions

Topic Addressed: Early Intervention Services.

○ Letter dated July 1, 2008 to District of Columbia State Superintendent of Education's Early Care and Education Administration's Infants and Toddlers with Disabilities Division Program Manager Tracie Bullock Dickson, concerning when nebulizer treatments may be considered a health service under Part C of the IDEA.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister/index.html*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll-free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

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(Catalog of Federal Domestic Assistance Number 84.027, Assistance to States for Education of Children with Disabilities)

Delegation of Authority: The Secretary of Education has delegated authority to Andrew J. Pepin, Executive Administrator for Special Education and Rehabilitative Services to perform the functions of the Assistant Secretary for Special Education and Rehabilitative Services.

Dated: February 18, 2009.

Andrew J. Pepin,

Executive Administrator for Special Education and Rehabilitative Services.

[FR Doc. E9–3814 Filed 2–20–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Assessment Governing Board: Proposed Information Collection

AGENCY: National Assessment Governing Board.

ACTION: Agency Information Collection Activities: Submission for OMB Review; Comment Request.

SUMMARY: In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the National Assessment Governing Board is publishing the following summary of a proposed information collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; (4) 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 (5) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Type of Information Collection Request: New information collection.

Title of Information Collection: Survey of Placement Tests and Cut-Scores in Higher Education Institutions.

Use: The congressionally authorized National Assessment of Educational Progress (NAEP) reports to the public on the achievement of students at grades 4, 8, and 12 in core subjects. The National Assessment Governing Board oversees and sets policy for NAEP. NAEP and the Governing Board are authorized under the National Assessment of Educational Progress Authorization Act (Pub. L. 107–279).

Among the Board's responsibilities is ''to improve the form, content, use, and reporting of [NAEP results].'' Toward this end, the Governing Board plans to enable NAEP at the 12th grade to report on the academic preparedness of 12th grade students in reading and mathematics for entry level college credit coursework.

The Governing Board has planned a program of research studies to support the validity of statements about 12th grade student preparedness that would be made in NAEP reports, beginning with the 2009 assessments in 12th grade reading and mathematics. Among the studies planned is a survey of 2-year and 4-year institutions of higher education about the tests and test scores used to place students into entry level college credit coursework leading to a degree and into non-credit remedial or developmental programs in reading and/or mathematics. The data resulting from this survey will be used to help develop valid statements that can be made about the preparedness of 12th grade students in NAEP reports.

Frequency: One time only; *Affected Public:* State, Local or Tribal Governments (2-year and 4-year public higher education institutions); Private Sector Not-For-Profit Institutions (2-year and 4-year private higher education institutions); *Number of Respondents:* 3,700; *Total Annual Responses:* 3,700; Total Annual Hours: 1,542.

To obtain copies of the proposed survey and/or supporting statement for the proposed paperwork collection referenced above, e-mail your request, including your address and phone number, to *Ray.Fields@ed.gov* or call 202–357–0395.

To be assured consideration, comments and recommendations for the proposed information collection must be received by the OMB desk officer at the address below, no later than 5 p.m. on March 25, 2009:

OMB, Office of Information and Regulatory Affairs, Attention: Education Desk Officer, New Executive Office Building, 725 17th St, NW., Room 10235, Washington, DC 20503, Fax Number: (202) 395–6974, E-mail (*OIRA_submission@omb.eop.gov*).

Dated: February 18, 2009.

Ray Fields,

Authorized Agency Paperwork Contact, National Assessment Governing Board.

[FR Doc. E9–3793 Filed 2–20–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.129B]

Rehabilitation Training: Rehabilitation Long-Term Training—Rehabilitation Counseling

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice reopening the Rehabilitation Long-Term Training—Rehabilitation Counseling fiscal year (FY) 2009 competition.

SUMMARY: On November 17, 2008, we published in the **Federal Register** (73 FR 67852) a notice inviting applications for the Rehabilitation Long-Term Training—Rehabilitation Counseling FY 2009 competition. That notice established a January 15, 2009 deadline date for eligible applicants to apply for funding under this program.

In order to allow applicants the opportunity to respond to a correction in the selection criteria published in the Application Package, we are reopening the Rehabilitation Long-Term Training—Rehabilitation Counseling FY 2009 competition to eligible applicants. Specifically, we inadvertently omitted a heading and the point value of the criterion on *Quality of Project Services,* worth 10 points. The requirements of this criterion were embedded at the end of the criterion on *Nature and Scope of Curriculum,* worth 20 points. By omitting the heading and points for the criterion on *Quality of Project Services,* applicants were given the mistaken impression that this criterion was part of the *Nature and Scope of Curriculum* criterion. We have corrected the selection criteria in the Application Package. This correction of the selection criteria increases the possible points an applicant may receive from 90 points to 100 points and makes it clear that there is a criterion on *Quality of Project Services,* worth 10 points. We strongly recommend that any eligible applicant that submitted its application using the criteria in the original application package re-submit its application in order to ensure that there is a clear response to the criterion on *Quality of Project Services.* If an applicant that submitted its application by the January 15, 2009 deadline does not choose to re-submit its application to address separately the Nature and Scope of Curriculum and *Quality of Project Services* criteria, we will increase the point value of the co-joined criteria contained under the heading *Nature and Scope of Curriculum* from 20 to 30 points for that applicant and the selection criteria overall from 90 to 100 points. We will separate the applicant's response to the co-joined criteria under the heading of *Nature and Scope of Curriculum,* and each criteria will be rated separately with the total value of the *Nature and Scope of Curriculum* criteria being 20 points and the *Quality of Project Services* criteria being 10 points.

All information in the November 17, 2008 notice remains the same for this notice reopening the competition, except for the following updates to *Dates* and to section IV. 3. *Submission Dates and Times.*

Dates and section IV. 3. Submission Dates and Times:

Applications Available: February 23, 2009.

Deadline for Transmittal of Applications: March 16, 2009.

Note: Applications for grants under this program must be submitted electronically using the Governmentwide Grants.gov Apply site at *http://www.grants.gov*. For information about how to submit your application electronically, please refer to *Electronic Submission of Applications* in the November 17, 2008 notice (73 FR 67852–67856). We encourage eligible applicants to submit their applications as soon as possible to avoid any problems with filing electronic applications on the last day.

Deadline for Intergovernmental Review: May 8, 2009.

FOR FURTHER INFORMATION CONTACT: Edwin Powell, U.S. Department of Education, Rehabilitation Services Administration, 400 Maryland Avenue, SW., room 5038, PCP, Washington, DC 20202–2800. *Telephone:* (202) 245–7505 or by *e-mail: Edwin.Powell@ed.gov*.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339. Individuals with disabilities may obtain this notice in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the contact person listed in this section.

Electronic Access to This Document: You can view this document, as well as other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html*.

Program Authority: 29 U.S.C. 772.

Delegation of Authority: The Secretary of Education has delegated authority to Andrew J. Pepin, Executive Administrator for Special Education and Rehabilitative Services to perform the functions of the Assistant Secretary for Special Education and Rehabilitative Services.

Dated: February 18, 2009.

Andrew J. Pepin,

Executive Administrator for Special Education and Rehabilitative Services.

[FR Doc. E9–3812 Filed 2–20–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency Information Collection Activities: Proposed Collection; Comment Request.

SUMMARY: The EIA is soliciting comments on the proposed reinstatement and three-year approval of Form EIA–457A-G, ''Residential Energy Consumption Survey (RECS).''

DATES: Comments must be filed by April 24, 2009. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Send comments to James R. Berry. To ensure receipt of the comments by the due date, submission by fax (202–586–0018) or e-mail (*james.berry@eia.doe.gov*) is recommended. The mailing address is Office of Energy Markets and End-Use, Energy Consumption Division, EI–63, Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Alternatively, James Berry may be contacted by telephone at (202) 586–5543.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of any forms and instructions should be directed to James Berry at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Request for Comments

I. Background

The Federal Energy Administration Act of 1974 (Pub. L. 93–275, 15 U.S.C. 761 *et seq.*) and the DOE Organization Act (Pub. L. 95–91, 42 U.S.C. 7101 *et seq.*) require the EIA to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near and longer-term domestic demands.

The EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35), provides the general public and other Federal agencies with opportunities to comment on collections of energy information conducted by or in conjunction with the EIA. Any comments received help the EIA to prepare data requests that maximize the utility of the information collected, and to assess the impact of collection requirements on the public. Also, the EIA will later seek approval by the Office of Management and Budget (OMB) under Section 3507(a) of the Paperwork Reduction Act of 1995.

The Residential Energy Consumption Survey (RECS) is a periodic survey of U.S. residential households to collect energy consumption and expenditures data and track changes over time. The data are widely used throughout the government and the private sector for policy analysis and are made available to the public via data tables, public-use data files, and detailed analysis papers and reports. Comprehensive data for the most recent survey, the 2005 RECS, are available in electronic format at the EIA's Residential Consumption web site home page at *http://www.eia.doe.gov/emeu/recs/contents.html*. Results from earlier surveys conducted in 1993, 1997, and 2001 are available in both printed and electronic format. Results from earlier RECS are available only in printed form.

Please refer to the survey website for more information about the purpose of the survey and discussions of survey and data collection methodologies. For instructions on obtaining survey forms, see the **FOR FURTHER INFORMATION CONTACT** section.

II. Current Actions

This is a reinstatement of OMB No. 1905–0092 that expired May 31, 2008. The reinstatement will be for a three-year period. No significant content or methodological changes are being implemented. The RECS is conducted on a quadrennial schedule, a schedule established with the 1997 RECS. Computer-Assisted Personal Interviewing (CAPI), a technology used since the 1997 RECS will be used again for the 2009 iteration of the survey.

The content of the 2009 survey questionnaires will remain relatively unchanged from the content in the 2005 RECS. Proposed changes include reinstatement of residential transportation items (last collecting in the 1993 RECS), revised wording in the interest of clarity, and additions and deletions of items due to changes in technology or changes in energy usage in the U.S. Questions regarding home electronics, for example, are updated to reflect increased number of high-definition televisions and television peripherals in U.S. homes. Some questions that yielded little useful data will be deleted. The 2005 RECS contained a series of questions included at the request of the Environmental Protection Agency (EPA). These items related to household water usage have been deleted. All changes are made in the interest of collecting higher quality responses, to enhance the EIA's ability to accurately identify the end-uses for which energy is consumed in households, and to support end-use consumption and expenditure estimates.

The 2009 RECS Household questionnaire will again contain a section of questions specifically for low-income household respondents. These questions are added at the request of the Department of Health and Human Services (HHS) and used in HHS' Low-Income Housing Energy Assistance Program (LIHEAP) formula calculations.

The 2009 RECS will be conducted under the provisions of the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2002 (Title 5, Subtitle A, Pub. L. 107–347). As in the past, information provided by respondents will be used only for statistical purposes.

Under the provisions of the law, every EIA employee, EIA contractor employee, and agents must keep confidential any individually identifiable information in his or her possession, and is subject to a jail term, a fine, or both, if he or she discloses or releases any identifiable information for nonstatistical purposes, without the informed consent of the respondent. The CIPSEA permits the EIA to obtain actual identifiers of survey respondents and process raw survey data on its physical premises while protecting information associated with individual respondents.

III. Request for Comments

Prospective respondents and other interested parties should comment on the actions discussed in item II. The following guidelines are provided to assist in the preparation of comments. Please indicate to which form(s) your comments apply.

As a Potential Respondent to the Request for Information:

A. Is the proposed collection of information necessary for the proper performance of the functions of the agency and does the information have practical utility?

B. What actions could be taken to help ensure and maximize the quality, objectivity, utility, and integrity of the information to be collected?

C. Are the instructions and definitions clear and sufficient? If not, which instructions need clarification?

D. Can the information be submitted by the due date?

E. Public reporting burden for this collection is estimated to average 45 minutes per response for Form EIA–457A, Household Questionnaire; 20 minutes per response for Form EIA–457B; 15 minutes per response for Form EIA–457C, Rental Agents, Landlords, and Apartment Managers; 30 minutes per response for Form EIA–457D, Household Bottle Gas (LPG or Propane) Usage; 30 minutes per response for Form EIA–457E, Household Electricity Usage; 30 minutes per response for Form EIA–457F, Household Natural Gas Usage; and 30 minutes per response for Form EIA–457G, Household Fuel Oil or Kerosene Usage. The estimated burden includes the total time necessary to provide the requested information. In your opinion, how accurate is this estimate?

F. The agency estimates that the only cost to a respondent is for the time it will take to complete the collection. Will a respondent incur any start-up costs for reporting, or any recurring annual costs for operation, maintenance, and purchase of services associated with the information collection?

G. What additional actions could be taken to minimize the burden of this collection of information? Such actions may involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

H. Does any other Federal, State, or local agency collect similar information? If so, specify the agency, the data element(s), and the methods of collection.

As a Potential User of the Information to be Collected:

A. Is the proposed collection of information necessary for the proper performance of the functions of the agency and does the information have practical utility?

B. What actions could be taken to help ensure and maximize the quality, objectivity, utility, and integrity of the information disseminated?

C. Is the information useful at the levels of detail to be collected?

D. For what purpose(s) would the information be used? Be specific.

E. Are there alternate sources for the information and are they useful? If so, what are their weaknesses and/or strengths?

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the form. They also will become a matter of public record.

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995, Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*), and the DOE Organization Act (42 U.S.C. 7101 *et seq.*).

Issued in Washington, DC, February 17, 2009.

Stephanie Brown,

Director, Statistics and Methods Group, Energy Information Administration.

[FR Doc. E9–3773 Filed 2–20–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP04–379–002]

Pine Prairie Energy Center, LLC; Notice of Application

February 12, 2009.

Take notice that on February 6, 2009, Pine Prairie Energy Center, LLC (Pine Prairie), 333 Clay Street, Houston, TX 77002, filed with the Federal Energy Regulatory Commission (Commission) an abbreviated application pursuant to section 7(c) of the Natural Gas Act (NGA), as amended, and part 157 of the Commission's regulations for authorization to: (1) Develop two additional natural gas storage caverns, each having a capacity of 12.8 Bcf; (2) increase the working gas capacity of two of the three authorized natural gas storage caverns from 8 Bcf to 10 Bcf; (3) construct, own and operate one additional raw water withdrawal well and one additional saltwater disposal well; (4) construct, own, operate and maintain 5.3 miles of 24-inch diameter natural gas pipeline loop; and (5) install six incremental compression units totaling 34,800 horsepower. If approved, the proposal would bring the total number of authorized caverns at the Pine Prairie facility in Evangeline Parish, Louisiana to five with a total working gas capacity of 48 Bcf and total cushion gas of 12.8 Bcf among the five caverns. In addition to the proposed expansion of facilities, Pine Prairie seeks reaffirmation of its authorization to charge market-based rates for its storage and hub services.

Any questions concerning this application should be directed to James F. Bowe, Jr., Dewey & LeBoeuf LLP, 1101 New York Avenue, NW., Washington, DC 20005, 202–346–8000 (phone) 202–346–8102 (fax), *jbowe@dl.com*.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''e-Library'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676, or for TTY, (202) 502–8659.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be

placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Protests and interventions may be filed electronically via the Internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: March 5, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3692 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13333–000]

PUD 1 of Klickitat County; Notice of Competing Preliminary Permit Application Accepted for Filing and Soliciting Comments and Motions To Intervene

February 13, 2009.

On November 20, 2009, Public Utility District No. 1 of Klickitat County filed an application, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the JD Pool Pumped Storage Project to be located in Klickitat County, Washington partially on lands owned by the Department of the Army. The proposed project would be closed loop and would not be on any existing body of water.

The proposed project would consist of: (1) An upper earthen dam with a height of 208 feet and a length of 4,330 feet; (2) an upper reservoir with a surface area of 190 acres, a storage capacity of 11,445 acre-feet and a normal surface elevation of 2,445 feet MSL; (3) a lower earthen dam with a height of 65 feet and a length of 16,540 feet; (4) a lower reservoir with a surface area of 160 acres, a storage capacity of 10,580 acre-feet and a normal surface elevation of 565 feet MSL; (5) a 8,022 foot long, 24 foot diameter steel penstock; (6) a powerhouse containing 10 generator/pump units with a total installed capacity of 1,129 MW; (7) a 240 kV, 9.6 mile long transmission line and; (8) appurtenant facilities. The annual production would be 4,121 GWh which would be sold to a local utility.

Applicant Contact: Greg Gallagher, Power Manager KPUD, 1313 S. Columbus Ave., Goldendale, WA 98620 (509) 773–7605.

FERC Contact: Steven Sachs (202) 502–8666.

Competing Application: This application competes with Project No. 13291–000 filed November 14, 2008. Competing applications must be filed on or before March 2, 2009.

Deadline for filing comments, motions to intervene: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent and competing applications may be filed electronically via the internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at *http://www.ferc.gov/filing-comments.asp.* More information about this project can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13333) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3697 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–57–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Application

February 12, 2009.

Take notice that on January 30, 2009, Transcontinental Gas Pipe Line Company, LLC (Transco), Post Office Box 1396, Houston, Texas 77251, filed with the Commission an application under section 7 of the Natural Gas Act (NGA) for a certificate of public convenience and necessity authorizing Transco's 85 North Expansion Project (Project). Specifically, Transco proposes to expand its existing pipeline system in its Southern Market area to provide an additional 308,500 dekatherms per day (dt/day) of incremental firm transportation service to four shippers. Transco proposes to complete the project in two phases, with 90,000 dt/day to be placed in-service July 1, 2010, and an additional 218,500 dt/day to be placed in-service May 1, 2011. Transco also requests authorization to abandon four obsolete compressor units at Transco's existing Compressor Station No. 100 and two centrifugal compressors at Transco's existing Compressor Station No. 125, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to Scott Turkington, Rates and Regulatory, Transcontinental Gas Pipe Line Company, Post Office Box 1396, Houston, Texas 77251–1396, phone (713) 215–3391, e-mail *scott.c.turkington@williams.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this application. First, any person wishing to obtain legal status by becoming a party to this proceeding should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10) by the comment date, below. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to the project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Comment Date: March 5, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3678 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2188–156]

PPL Montana, LLC; Notice of Availability of Environmental Assessment

February 12, 2009.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47879) the Office of Energy Projects has prepared an environmental assessment (EA) for an application filed by PPL Montana, LLC (licensee) on June 11, 2008, requesting Commission approval to construct numerous improvements at the Rainbow Development of the Missouri-Madison Hydroelectric Project (FERC No. 2188). The licensee proposes improvements that differ substantially from those analyzed during the relicensing of the project. Specifically, the licensee proposes to construct a new intake, power canal, powerhouse, and tailrace at the Rainbow Development. The project's Rainbow Development is located on the Missouri River northeast of the City of Great Falls, in Cascade County, Montana. The EA evaluates the environmental impacts that would result from approving the licensee's proposal. The EA finds that approval of the application would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the EA is on file with the Commission and is available for public inspection. The EA may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number (P–2188) excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3372, or for TTY, (202) 502–8659.

You also may register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

For further information, please contact Christopher Yeakel by telephone at (202) 502–8132 or by e-mail at *christopher.yeakel@ferc.gov*.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3689 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP95–35–001]

EcoEléctrica, L.P.; Notice of Availability of the Environmental Assessment for the Proposed EcoEléctrica Terminal Modification Project

February 13, 2009.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the liquefied natural gas (LNG) facilities proposed by EcoEléctrica, L.P. (EcoEléctrica) in the above-referenced docket.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The EA assesses the potential environmental effects of the construction and operation of EcoEléctrica's proposed Terminal Modification Project (Project). The Project would utilize a previously constructed natural gas pipeline at the existing EcoEléctrica LNG terminal that extends to the facility fence line where it would interconnect with Puerto Rico Electric Power Authority's (PREPA) facilities. The Project would also involve construction of:

- Two additional vertical shell and tube heat exchanger vaporizers;
- One fixed speed, in-tank LNG sendout pump;

• Three seawater heat exchangers (plate and frame type, one operational, and two spare);

• Three water/glycol circulation pumps (one operational, two spare);

• One water/glycol expansion tank at 1,800 gallons;

• One seawater supply pump (warehouse spare) at 6,000 gallons per minute; and

• Three seawater circulation pumps (one operational, two spare).

The Project would provide an additional 77 to 93 million cubic feet per day of natural gas to the PREPA.

The EA has been placed in the public files of the FERC. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Copies of the EA have been mailed to federal, state, and local agencies; public interest groups; interested individuals and affected landowners; newspapers and libraries; and parties to this proceeding.

Any person wishing to comment on the EA may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below.

You can make a difference by providing us with your specific comments or concerns about the EcoEléctrica Terminal Modification Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send in your comments so that they will be received in Washington, DC on or before March 16, 2009.

For your convenience, there are three methods in which you can use to submit your comments to the Commission. In all instances please reference the project docket number CP95–35–001 with your submission. The docket number can be found on the front of this notice. The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at 202–502–8258 or *efiling@ferc.gov*.

(1) You may file your comments electronically by using the *Quick Comment* feature, which is located on the Commission's Internet Web site at *http://www.ferc.gov* under the link to *Documents and Filings*. A Quick Comment is an easy method for interested persons to submit text-only comments on a project;

(2) You may file your comments electronically by using the *eFiling* feature, which is located on the Commission's Internet Web site at *http://www.ferc.gov* under the link to *Documents and Filings*. eFiling involves preparing your submission in the same manner as you would if filing on paper, and then saving the file on your computer's hard drive. You will attach that file as your submission. New eFiling users must first create an account by clicking on ''*Sign up*'' or ''*eRegister*.'' You will be asked to select the type of filing you are making. A comment on a particular project is considered a ''Comment on a Filing;'' or

(3) You may file your comments via mail to the Commission by sending an original and two copies of your letter to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.

Label one copy of the comments for the attention of Gas Branch 1, PJ11.1.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the FERC Internet Web site (*http://www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm*.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3694 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

[1] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER09–88–000; ER09–88–001]

Southern Company Services, Inc.; Notice of FERC Staff Attendance

February 12, 2009.

The Federal Energy Regulatory Commission (Commission) hereby gives notice that on February 13, 2009 at 10:30 a.m. (EDT), members of its staff will participate in a seminar and interactive webcast relating to the Southern Company Energy Auction. The agenda and other documents for the webcast are available through the Southern Company Services, Inc. (Southern Company) Web site, *http://www.southerncompany.com/energyauction/*. Sponsored by Southern Company, the webcast is open to all market participants. Commission staff's attendance is part of the Commission's ongoing monitoring of Southern Company's development of the Southern Company Energy Auction. The webcast may discuss matters at issue in the above-captioned dockets.

For further information, contact David Hunger at *david.hunger@ferc.gov*, (202) 502–8148 or Mariana Cruz at *mariana.cruz@ferc.gov*, (202) 502–6307.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3688 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TS09–2–000]

Bangor Hydro-Electric Company; Notice of Filing

February 12, 2009.

Take notice that on January 28, 2009, Bangor Hydro-Electric Company (Bangor Hydro) filed a request for waiver of its Standards of Conduct so that it may complete its posting and training, pursuant to the Commission's Order 717 issued October 16, 2008, *Standards of Conduct for Transmission Providers*, Order No. 717, 125 FERC ¶ 61,064.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on February 20, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3677 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF06–2011–002]

Bonneville Power Administration; Notice of Filing

February 13, 2009.

Take notice that on February 6 and February 12, 2009, Bonneville Power Administration filed an errata corrections to Statement A of its 2007 Supplemental Wholesale Power Rate proceeding.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on March 16, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3698 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER04–449–017]

New York Independent System Operator, Inc.; Notice of Filing

February 12, 2009.

Take notice that on February 5, 2009, the New York Independent System Operator, Inc. filed a motion for clarification of the Commission's January 15, 2009 Order and a waiver of certain tariff provisions accepted by the January 15, 2009 Order, *See New York Independent System Operator, Inc., et al.*, 125 FERC ¶ 61,046 (2009).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on February 23, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3679 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM08–11–000]

North American Electric Reliability Corporation; Notice of Filing

February 13, 2009.

Take notice that on October 15, 2008, the North American Electric Reliability Corporation (NERC) filed a request for the Commission to accept the violation risk factors for the FAC–010–1, FAC–011–1 and FAC–014–1 version 1 Reliability Standards as the applicable violation risk factors for version 2 of the FAC Reliability Standards, filed on June 30, 2008. NERC is also requesting acceptance of a Western Electricity Coordinating Council regional difference for Requirements R2.4 and R2.5 and Requirement R3.3 of FAC–011–2.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on March 5, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3696 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP08–426–000]

El Paso Natural Gas Company; Notice of Informal Settlement Conference

February 12, 2009.

Take notice that an informal settlement conference will be convened in this proceeding commencing at 12 p.m. on Wednesday, February 18, 2009, at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or (202) 208–8659 (TTY), or send a FAX to (202) 208–2106 with the required accommodations.

For additional information, please contact Hollis Alpert (202) 502–8783 *hollis.alpert@ferc.gov* or Moira Notargiacomo (202) 502–8083 *moira.notargiacomo@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3690 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP08–426–000]

El Paso Natural Gas Company; Notice of Informal Settlement Conference

February 12, 2009.

Take notice that an informal settlement conference will be convened in this proceeding commencing at 1 p.m. on Thursday, February 26, 2009 and continuing on Friday, February 27, 2009 at 9 a.m. at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or (202) 208–8659 (TTY), or send a FAX to (202) 208–2106 with the required accommodations.

For additional information, please contact Hollis Alpert at *hollis.alpert@ferc.gov*, (202) 502–8783 or Moira Notargiacomo at *moira.notargiacomo@ferc.gov*, (202) 502–8083.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3691 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–665–000]

Wellhead Power eXchange, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 13, 2009.

This is a supplemental notice in the above-referenced proceeding of Wellhead Power eXchange, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and

385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is March 5, 2009.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3695 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–598–000]

Big Bog Energy LP; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 12, 2009.

This is a supplemental notice in the above-referenced proceeding of Big Bog Energy LP's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is March 4, 2009.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list.

They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3685 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–594–000]

Coaltrain Energy LP; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 12, 2009.

This is a supplemental notice in the above-referenced proceeding of Coaltrain Energy LP's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is March 4, 2009.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC

Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3681 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–595–000]

Gotham Energy Marketing LP; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 12, 2009.

This is a supplemental notice in the above-referenced proceeding of Gotham Energy Marketing LP's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is March 4, 2009.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3682 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–591–000]

Nalcor Energy; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 12, 2009.

This is a supplemental notice in the above-referenced proceeding of Nalcor Energy's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is March 4, 2009.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3680 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–597–000]

Rockpile Energy LP; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 12, 2009.

This is a supplemental notice in the above-referenced proceeding of Rockpile Energy LP's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of

future issuances of securities and assumptions of liability, is March 4, 2009.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3684 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–596–000]

Silverado Energy LP; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 12, 2009.

This is a supplemental notice in the above-referenced proceeding of Silverado Energy LP's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is March 4, 2009.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3683 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–614–000]

Vista Energy Trading, LP; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

February 12, 2009.

This is a supplemental notice in the above-referenced proceeding of Vista Energy Trading, LP's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is March 4, 2009.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., N.E., Washington, DC, 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed

docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–3687 Filed 2–20–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Construction, Operation, and Maintenance of the Proposed Transmission Agency of Northern California Transmission Project, California

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of intent to prepare an environmental impact statement/environmental impact report and conduct scoping meetings; notice of floodplain and wetlands involvement.

SUMMARY: The Western Area Power Administration (Western), an agency of the DOE intends to prepare a joint environmental impact statement/environmental impact report (EIS/EIR) for the construction, operation, and maintenance of the proposed Transmission Agency of Northern California (TANC) Transmission Project (Project) in California. Western is issuing this Notice to inform the public and interested parties about the proposed Project, conduct a public scoping process, and invite the public to comment on the scope, proposed action, alternatives, and other issues to be addressed in the EIS/EIR.

The EIS/EIR will address the construction, maintenance, and operation of the proposed Project, which would include building and upgrading about 600 miles of 230-kilovolt (kV) and 500-kV transmission lines and associated equipment and facilities in northern California. Portions of the proposed Project may affect floodplains and wetlands in the area. Western and TANC will hold public scoping meetings in 12 locations in the Project area during the public scoping period. At the scoping meetings, Western and TANC will share additional information on the proposed Project and receive comments and suggestions on the scope of the EIS/EIR.

DATES: The public scoping period begins with the publication of this **Federal Register** notice and closes on April 30, 2009. Please see the **SUPPLEMENTARY INFORMATION** section for scoping meeting dates.

ADDRESSES: Please see the **SUPPLEMENTARY INFORMATION** section for scoping meeting locations. Written comments on the scope of the EIS should be addressed to Mr. David Young, National Environmental Policy Act (NEPA) Document Manager, Western Area Power Administration, Sierra Nevada Region, 114 Parkshore Drive, Folsom, CA 95630, telephone (916) 353–4777, fax (916) 353–4772, or e-mail *TTPEIS@wapa.gov*.

FOR FURTHER INFORMATION CONTACT: Mr. David Young, NEPA Document Manager, Western Area Power Administration, Sierra Nevada Region, 114 Parkshore Drive, Folsom, CA 95630, telephone (916) 353–4777, fax (916) 353–4772, or e-mail *TTPEIS@wapa.gov*. Additional information and submitted comments on the proposed project can be found at *http://www.wapa.gov/transmission/ttp.htm*. For general information on DOE's NEPA review procedures or status of a NEPA review, contact Ms. Carol M. Borgstrom, Director of NEPA Policy and Compliance, GC–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, telephone (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: Western, an agency within DOE, markets Federal hydroelectric power to preference customers, as specified by law. These customers include municipalities, cooperatives, irrigation districts, Federal and State agencies, and Native American tribes. Western's service territory covers 15 western states, including California. Western owns and operates more than 17,000 miles of high-voltage transmission lines.

TANC is a registered Transmission Owner, Transmission Planner, and Transmission Service Provider (as these terms are defined by the North American Electric Reliability Corporation). TANC's mission is to assist its publicly owned utility members in providing cost-effective energy supplies to their customers, through construction and long-term ownership of high-voltage transmission lines within California and the western United States. TANC's membership includes the California cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, and Ukiah, the Sacramento Municipal Utility District, Modesto Irrigation District, and Turlock Irrigation District. The Plumas-Sierra Rural Electric Cooperative is an associate member of TANC.

Advance Notice of Intent

Western published an Advance Notice of Intent (NOI) to Prepare an Environmental Impact Statement/Environmental Impact Report; Notice of Floodplain and Wetlands Involvement on January 7, 2008 (74 FR 707). The Advance NOI provided a project description and stated that Western would be issuing a formal NOI in early 2009 (74 FR 708). This is the formal NOI discussed in the Advance NOI.

Background and Need for Agency Action

Western and TANC propose to coordinate development of the proposed Project, which includes new and upgraded 230-kV and 500-kV transmission lines, substations, and related facilities. The Project would satisfy Western's and TANC's need to develop new access to renewable energy resources in northeastern California, northwestern Nevada, and the Pacific Northwest, enhance the California-Oregon Intertie, reduce existing congestion and system losses, increase the load-carrying capability and reliability of northern California's transmission system, improve the reliability of the Balancing Authority Area, in which Western resides, and relieve certain existing electrical transmission system constraints in northern California.

Project Description

Details and plans for the proposed Project and alternatives are still being developed and refinements will continue throughout the public scoping process. TANC would own all facilities of the proposed Project except for the Federal Transmission System owned by Western and the Sierra Foothills Segment, as noted below. Western's Federal Transmission System ownership includes the land rights, towers, and circuit 1 between Tracy Substation and Livermore Substation. Some of the facilities associated with the proposed Project may require modifications to and/or interconnections with Western's transmission system.

Proposed Routes and Alternative Routes

The proposed Project would be located entirely in California. The corridor would consist of five segments of transmission line that extend from northeastern California through the Central Valley and split westward to the San Francisco Bay area and eastward to the Sierra Foothills. The proposed corridors have been identified to avoid, to the extent possible, residential and

known environmentally-sensitive areas, and take optimum advantage of accessible competitive renewable energy zones, as recommended by the State of California's Renewable Energy Transmission Initiative.

North Segment. The North Segment would include two, new, single-circuit, 500-kV transmission lines, each trending west from a proposed new substation near Ravendale to a proposed, substation near Pacific Gas & Electric Company's (PG&E) existing Round Mountain Substation. Three corridor alternatives, each 80 to 100 miles long, have been identified. These three alternative corridors would be located generally to the north of Eagle Lake and State Route (SR) 44; and near SR 299. The North Segment would include a new, 1-mile, double-circuit, 500-kV transmission line from the proposed new substation near Round Mountain to PG&E's Round Mountain Substation. The North Segment would continue with a new, double-circuit, 500-kV transmission line that would run 40 to 45 miles southwest to the California-Oregon Transmission Project's (COTP) existing Olinda Substation, south of Redding. Three corridor alternatives have been preliminarily identified for this segment.

Central Segment. The Central Segment would begin at the Olinda Substation and trend south, approximately 170 to 190 miles to Tracy. It would include a new, double-circuit, 500-kV transmission line through the Central Valley to a new substation in southern Sacramento County and on to a new substation near the COTP's existing Tracy Substation. Three possible alternative corridors have been identified for the Central Segment: the western, central, and eastern alternatives.

The 172-mile western corridor alternative of the Central Segment would lie along the western side of the Sacramento Valley. This alternative would be roughly parallel to and 5 to 20 miles west of the Interstate 5 corridor. It would pass just east of Black Butte Lake and west of the cities of Orland, Willows, and Williams. South of Winters, the western alternative would turn east and cross between the cities of Dixon and Vacaville before continuing east for approximately 35 miles to a proposed new substation in southern Sacramento County, west of SR 99 and south of Elk Grove.

The 167-mile central corridor alternative runs roughly parallel to and 5 to 10 miles west of SR 99 through the Sacramento Valley, just west of the cities of Red Bluff and Chico, then between the Sutter Buttes and Yuba City, and east of the cities of Woodland and Davis. The central alternative would then turn southeast, converging with the western alternative, and interconnect at the proposed new substation in southern Sacramento County.

The 173-mile eastern corridor alternative would be located west of the Sierra Foothills of the Sacramento Valley, roughly parallel to and 5 to 10 miles east of SR 99. This alignment would pass east of the cities of Red Bluff and Chico, through Oroville and east of Yuba City. This proposed alternative would then shift approximately 15 miles to the west and continue southward, just west of the Sacramento Airport and City of West Sacramento to the proposed substation in southern Sacramento County.

From the proposed new substation in southern Sacramento County, each of three alternative corridors would continue 40 to 45 miles southwest to a proposed new substation near the COTP's existing Tracy Substation.

West Segment. The West Segment would include two, double-circuit, 230-kV transmission lines from the Tracy area to the South San Francisco Bay area. The first would include upgrading the existing transmission line from the new substation near Tracy to Silicon Valley Power's existing Kifer Receiving Station (KRS) in Santa Clara. Construction of this transmission line would include upgrading about 13 miles of existing, double-circuit, 230-kV transmission line from the proposed substation near Tracy to Western's Livermore Substation, and building 30 to 40 miles of new, double-circuit, 230-kV transmission line from the Livermore Substation to the proposed substation near the KRS Substation. Up to 7 miles of this segment may be built underground. From the new substation near KRS, an approximately 500-foot, 115-kV transmission tie would be built to KRS. Two possible alternative corridors have been identified for this transmission line.

The second double-circuit, 230-kV transmission line would follow a southwesterly path from PG&E's existing Tesla Substation to just south of Livermore and through the cities of Fremont and Newark to PG&E's existing Newark Substation.

East Segment. This segment would include building 40 to 45 miles of new, double-circuit, 500-kV transmission line east from the new substation near Tracy, roughly paralleling Interstate 205 and SR 120, to a proposed substation located south of the Oakdale Airport. There are two corridor alternatives for the proposed 500-kV transmission line, both of which would run north of the cities of Tracy and Modesto and south of the cities of Manteca, Escalon, and Oakdale. From the new substation near the Oakdale Airport, the East Segment would split into two alignments: a 7- to 11-mile, double-circuit, 230-kV transmission line would run southwest to the Modesto Irrigation District's existing Parker Substation in Modesto; and a 15-to 22-mile, double-circuit, 230-kV line would run south to a proposed new substation located just east of Turlock. Three corridor alternatives have been identified for each of the two, proposed, 230-kV transmission lines.

Sierra Foothills Segment. The Sierra Foothills Segment would be built, owned, operated, and maintained by Western. This Segment would include a new, double-circuit, 230-kV transmission line, approximately 28 miles long. It would originate at the proposed substation near the Oakdale Airport and trend northeast, generally along SR 108, through the Sierra Foothills to Western's existing substation at the New Melones Dam. Alternative corridors for this segment have not been identified at this time.

No Action Alternative

Western and TANC will also consider the ''No Action'' alternative in the EIS/EIR. Under the No Action Alternative, the proposed Project would not be built.

Agency Responsibilities

To participate in the Project, Western must comply with NEPA (42 U.S.C. 4321–4347, as amended), Council on Environmental Quality Regulations for implementing NEPA (40 CFR 1500–1508), and DOE NEPA Implementing Procedures (10 CFR 1021). Because the proposed Project may involve action in floodplains or wetlands, the EIS/EIR will include, as applicable, a floodplain/wetland assessment and floodplain/wetland statement of findings following DOE regulations for compliance with floodplain and wetlands environmental review (10 CFR 1022).

Western is the lead Federal agency, as defined at 40 CFR 1501.5, for preparation of the NEPA analysis. The U.S. Department of Agriculture, Forest Service (USFS) and the U.S. Department of Interior, Bureau of Land Management (BLM) plan to be cooperating agencies because of their jurisdiction over proposed routing across public lands. TANC has applied to the USFS and the BLM for permits, which may involve amending current forest land and resource management plans and/or BLM resource management plans.

Tribes and other agencies with jurisdiction or special expertise are also invited to be cooperating agencies. Such tribes or agencies may make a request to Western to be a cooperating agency by contacting Mr. Young at the address listed above. Designated cooperating agencies have certain responsibilities to support the NEPA process, as specified at 40 CFR 1501.6(b).

TANC will be responsible for satisfying all requirements of the California Environmental Quality Act. Thus, Western, TANC, and cooperating agencies will prepare a joint EIS/EIR.

Environmental Issues

This notice is to inform agencies and the public of the proposed Project and solicit comments and suggestions for consideration in preparing the EIS/EIR. To help the public frame its comments, this notice contains a list of potential environmental issues that Western and TANC have tentatively identified for analysis. These issues include the following:

1. Impacts on protected, threatened, endangered, or sensitive species of animals or plants or their critical habitats;
2. Impacts on other biological resources;
3. Impacts on agriculture, land use, recreation, and transportation;
4. Impacts on floodplains and wetlands;
5. Impacts on cultural or historic resources and tribal values;
6. Impacts on human health and safety;
7. Impacts on air, soil, and water resources;
8. Visual impacts; and
9. Socioeconomic impacts and disproportionately high and adverse impacts to minority and low-income populations.

This list is not intended to be all-inclusive or to imply any predetermination of impacts. Western and TANC invite interested parties to suggest specific issues within these general categories, or other issues not included above, to be considered in the EIS/EIR.

Public Participation

Public participation and full disclosure are planned for the entire EIS/EIR process. The EIS/EIR process includes public review and hearings on the draft EIS/EIR; publication of a final EIS/EIR; and publication of a record of decision. The public scoping period begins with publication of this notice in the **Federal Register** and closes April 30, 2009. Western and TANC anticipate the Draft EIS/EIR will be available in early 2010, with a Final EIS/EIR available in early 2011. A record of decision is expected to be issued late in 2011. Persons interested in receiving future notices, Project information, copies of the EIS/EIR, and other information on the NEPA review process should contact Mr. Young.

Western and TANC will hold public scoping meetings as follows:

1. March 26, 2009, Radisson Hotel Sacramento, 500 Leisure Lane, Sacramento, CA 95815.
2. March 30, 2009, Sacred Heart Catholic Church, 507 East 4th Street, Alturas, CA 96101.
3. March 31, 2009, Burney Lions Club, 37006 Main Street, Burney, CA 96013.
4. April 1, 2009, Hyatt Regency Santa Clara, 5101 Great America Parkway, Santa Clara, CA 95054.
5. April 2, 2009, On Broadway, 153 South Broadway, Turlock, CA 95380.
6. April 6, 2009, Chico Family Masonic Center, 1110 West East Avenue, Chico, CA 95926.
7. April 7, 2009, Jensen Hall at Lassen County Fairgrounds, 195 Russell Avenue, Susanville, CA 96130.
8. April 8, 2009, Clarion Inn, 1612 Sisk Road, Modesto, CA 95350.
9. April 9, 2009, Platinum Conference Center at the Opera House, 902 Central Avenue, Tracy, CA 95376.
10. April 13, 2009, Red Lion Hotel, 1830 Hilltop Drive, Redding, CA 96002.
11. April 14, 2009, Granzella's Inn, 391 6th Street, Williams, CA 95987.
12. April 15, 2009, Lexington Plaza Waterfront Hotel, 110 West Fremont Street, Stockton, CA 95202.

Each meeting is scheduled to begin at 5:30 p.m. with an open-house format, during which attendees are invited to speak one-on-one with Project representatives and agencies. At approximately 6:30 p.m., a presentation will be given by the Project representatives, after which, the open-house format will resume. The meetings are scheduled to close no earlier than 8:30 p.m. Attendees are welcome to come and go at their convenience throughout the meeting.

The purpose of the scoping meetings is to provide information about the proposed Project, review Project maps, answer questions, and take written comments from interested parties. All meeting locations are handicapped-accessible. Anyone needing special accommodations should contact Mr. Young to make arrangements.

The public will have the opportunity to provide written comments at the public scoping meetings, or send them to Western by fax, e-mail, or U.S. Postal Service mail. Comments may also be submitted on-line at *http://www.wapa.gov/transmission/ttp.htm*. To help define the scope of the EIS/EIR, comments should be received by Western no later than April 30, 2009. Anonymous comments will not be accepted.

Dated: February 13, 2009.

Timothy J. Meeks,

Administrator.

[FR Doc. E9–3772 Filed 2–20–09; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2003–0034; FRL–8775–1]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; EPA's Voluntary Aluminum Industrial Partnership (VAIP) (Renewal); EPA ICR No. 1867.04, OMB Control No. 2060–0411

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before March 25, 2009.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2003–0034, to (1) EPA online using *www.regulations.gov* (our preferred method), by e-mail to *a-and-r-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Air and Radiation Docket Information Center, 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Sally Rand, Climate Change Division, Office of Atmospheric Programs (6207J), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202–343–9739; fax number: 202–343–2202; e-mail address: *rand.sally@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On December 17, 2008 (73 FR 76636), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments during the comment period. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OAR–2003–0034, which is available for online viewing at *www.regulations.gov,* or in person viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC 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 Reading Room is 202–566–1744, and the telephone number for the Air and Radiation Docket is 202–566–1742.

Use EPA's electronic docket and comment system at *www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: EPA's Voluntary Aluminum Industrial Partnership (VAIP) (Renewal)

ICR numbers: EPA ICR No. 1867.04, OMB Control No. 2060–0411.

ICR Status: This ICR is scheduled to expire on February 28, 2009. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: EPA's Voluntary Aluminum Industrial Partnership (VAIP) was initiated in 1995 and is an important voluntary program contributing to the overall reduction in emissions of greenhouse gases. This program focuses on reducing direct greenhouse gas emissions including perfluorocarbon (PFC) and carbon dioxide (CO_2) emissions from the production of primary aluminum. Seven of the eight U.S. producers of primary aluminum participate in this program. PFCs are very potent greenhouse gases with global warming potentials several thousand times that of carbon dioxide, and they persist in the atmosphere for thousands of years. CO_2 is emitted from consumption of the carbon anode. Participants voluntarily agree to the following: designating a VAIP liaison; undertaking technically feasible and cost-effective actions to reduce PFC and direct CO_2 emissions; and reporting to EPA, on an annual basis, the PFC and direct CO_2 emissions or production parameters used to estimate emissions. The information contained in the annual reports of VAIP members is used by EPA to assess the success of the program in achieving its goals.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 90 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Primary Production of Aluminum.

Estimated Number of Respondents: 7.

Frequency of Response: Annual.

Estimated Total Annual Hour Burden: 633.

Estimated Total Annual Cost: $47,054, includes $0 annualized capital or O&M costs.

Changes in the Estimates: There is a decrease of 56 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This decrease is due to EPA's revised estimates for the number of hours associated with additional activities such as partnership. The change is an adjustment due to the reduced frequency of partnership meetings and the use of teleconferencing.

Dated: February 17, 2009.

John Moses,

Acting Director, Collection Strategies Division.

[FR Doc. E9–3779 Filed 2–20–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8774–9]

Notice of Meeting of the EPA's Children's Health Protection Advisory Committee (CHPAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the next meeting of the Children's Health Protection Advisory Committee (CHPAC) will be held March 10–12, 2008 at The Arlington Court Suites, Arlington, VA. The CHPAC was created to advise the Environmental Protection Agency on science, regulations, and other issues relating to children's environmental health.

DATES: The CHPAC will meet on Tuesday, March 10, Wednesday, March 11, and Thursday, March 12, 2009 at The Arlington Court Suites.

ADDRESSES: The Arlington Court Suites, 1200 N Courthouse Road, Arlington, VA 22201.

FOR FURTHER INFORMATION CONTACT: Martha Berger, Child and Aging Health Protection Division, USEPA, MC 1107A, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 564–2191, *berger.martha@epa.gov.*

SUPPLEMENTARY INFORMATION: The meetings of the CHPAC are open to the public. The CHPAC plenary will meet on Wednesday, March 11 from 8:30 a.m. to 5:30 p.m., and Thursday, March 12, from 8:30 a.m. to 12:30 p.m. The Task Groups will meet Tuesday, March 10, from 1 p.m. to 5 p.m. Agenda items

include a discussion of the next edition of the America's Children and the Environment Report, a presentation on schools siting, and a presentation on PCBs and PBDEs.

Access and Accommodations: For information on access or services for individuals with disabilities, please contact Martha Berger at 202–564–2191 or *berger.martha@epa.gov.* To request accommodation of a disability, please contact Martha Berger preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: February 17, 2009.

Martha Berger,

Designated Federal Official.

Draft Agenda

Tuesday, March 10, 2009 Task Group Session

9:30 a.m.–5 p.m. America's Children and the Environment Task Group Meeting.

Wednesday, March 11, 2009: CHPAC Plenary Session

8:30 a.m.–9 a.m. Welcome, Introductions, & Agenda Review.
9 a.m.–9:30 a.m. Highlights of Recent EPA Activities.
9:30 a.m.–10:30 a.m. America's Children and the Environment Report.
10:30 a.m.–10:45 a.m. Break.
10:45 a.m.–11:45 a.m. EPA Activities related to PCBs in old construction materials.
11:45 a.m.–12:45 p.m. Lunch.
12:45 p.m.–1:45 p.m. Climate Change and Children's Health: Discussion of Next Steps.
1:45 p.m.–2:45 p.m. Administrator Lisa Jackson (Invited).
2:45 p.m.–3 p.m. Break.
3 p.m.–4 p.m. Discussion of initial letter to Administrator Lisa Jackson.
4 p.m.–5 p.m. American's Children and the Environment Report.
5 p.m.–5:30 p.m. Public Comment.
5:30 p.m. Adjourn.

Thursday, March 12, 2009: CHPAC Plenary Session Continued

8 a.m.–8:30 a.m. Continental Breakfast and Gathering.
8:30 a.m.–8:45 a.m. Check In and Agenda Review.
8:45 a.m.–9:45 a.m. Update on PBDE Activities.
9:45 a.m.–10 a.m. Break.
10 a.m.–11 a.m. Presentation: EPA's Draft Model Guidelines for Siting of School Facilities.
11 a.m.–12 p.m. America's Children and the Environment Report.
12 p.m.–12:30 p.m. Wrap Up/Next Steps.
12:30 p.m. Adjourn.

[FR Doc. E9–3777 Filed 2–20–09; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by the Federal Communications Commission, Comments Requested

February 13, 2009.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995 (PRA), Public Law No. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Pursuant to the PRA, no person shall be subject to any penalty for failing to comply with a collection of information that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written PRA comments should be submitted on or before April 24, 2009. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Interested parties may submit all PRA comments by e-mail or U.S. post mail. To submit your comments by e-mail, send them to *PRA@fcc.gov* and/or *Cathy.Williams@fcc.gov.* To submit your comments by U.S. mail, mark them to the attention of: Cathy Williams, Federal Communications Commission, Room 1-C823, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918 or send an e-mail to *PRA@fcc.gov* and/or *Cathy.Williams@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0687.

Title: Access to Telecommunications Equipment and Services by Persons with Disabilities, CC Docket No. 87–124.

Form Number: Not Applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1,268 respondents; 22,500,000 responses.

Estimated Time per Response: 1 second (0.000278 hours) to 15 seconds (0.004167 hours).

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Total Annual Burden: 6,693 hours.

Total Annual Cost: $266,280.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in section 710 of the Communications Act of 1934, as amended, 47 U.S.C. 610, and Public Law 100–394, the ''Hearing Aid Compatibility Act of 1988,'' 102 Stat. 976, Aug. 16, 1988.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information from individuals.

Privacy Impact Assessment: No impact(s).

Needs and Uses: 47 CFR 68.224—Notice of non-hearing aid compatibility. Every non-hearing aid compatible telephone offered for sale to the public on or after August 17, 1989, whether previously-registered, newly registered or refurbished shall (a) contain in a conspicuous location on the surface of its packaging a statement that the telephone is not hearing aid compatible, or if offered for sale without a surrounding package, shall be affixed with a written statement that the telephone is not hearing aid compatible; and (b) be accompanied by instructions in accordance with 47 CFR 62.218(b)(2). 47 CFR 68.300—Labeling requirements. As of April 1, 1997, all registered telephones, including cordless telephones, manufactured in the United States (other than for export) or imported for use in the United States, that are hearing aid compatible shall have the letters ''HAC'' permanently affixed. The information collections for both rules contain third party disclosure and labeling requirements. The

information is used primarily to inform consumers who purchase and/or use telephone equipment whether the telephone is hearing aid compatible.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E9–3759 Filed 2–20–09; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act (44 U.S.C. 3501–3521), the FDIC hereby gives notice that it is submitting to OMB a request for review and approval of the following collection of information: ''Notification of Changes of Insured Status,'' OMB No. 3064–0124.

DATES: Comments must be submitted on or before March 25, 2009.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods. All comments should refer to the name of the collection:

Web site: http://www.FDIC.gov/regulations/laws/federal/notices.html.

E-mail: comments@fdic.gov. Include the name of the collection in the subject line of the message.

Mail: Gary A. Kuiper (202–898–3877), Counsel, Room F–1072, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

Hand Delivery: Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.

A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper at the address identified above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

Title: Notification of Changes of Insured Status.

OMB Number: 3064–0124.

Frequency of Response: On occasion.

Affected Public: Insured depository institutions.

Number of Certifications: 280 (Average time to prepare a certification is one quarter hour) for a total of 70 hours. Number of depositor notices: 5 (the average time to prepare a depositor notice is 1 hour) for a total of 5 hours.

Total Annual Burden: 75 hours.

General Description of Collection: The collection involves the certification that insured depository institutions provide the FDIC when they completely assume deposit liabilities from another insured depository institution, and a notification that insured depository institutions provide to the FDIC when they seek to voluntarily terminate their insured status.

Request for Comment

Comments are invited on: (a) Whether this collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodologies 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 information collection on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 17th day of February 2009.

Federal Deposit Insurance Corporation.

Robert Feldman,

Executive Secretary.

[FR Doc. E9–3743 Filed 2–20–09; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee on Childhood Lead Poisoning Prevention (ACCLPP)

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

Times and Dates:

8:30 a.m.–5 p.m., March 10, 2009.

8:30 a.m.–12:30 p.m., March 11, 2009.

Place: The Westin Atlanta North at Perimeter, Seven Concourse Parkway, Atlanta, Georgia, 30337, *telephone:* 770–395–3900.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 75 people.

Purpose: The Committee provides advice and guidance to the Secretary; the Assistant Secretary for Health; and the Director, CDC, regarding new scientific knowledge and technological developments and their practical implications for childhood lead poisoning prevention efforts. The committee also reviews and reports regularly on childhood lead poisoning prevention practices and recommends improvements in national childhood lead poisoning prevention efforts.

Matters to be Discussed: General discussion on the potential approaches to strengthen existing strategies to achieve the Healthy People 2010 goal of eliminating childhood lead poisoning. An overview and discussion on international cooperation initiative directed at lead poisoning issues. Update from Education Support Workgroup. Update from Lead and Pregnancy Workgroup. Update on Federal implementation measures on the Consumer Product Safety Improvement Act of 2008.

Agenda items are subject to change as priorities dictate.

Opportunities will be provided during the meeting for oral comments. Depending on the time available and the number of requests, it may be necessary to limit the time of each presenter.

For Further Information Contact: Claudine Johnson, Program OP Assistant, Lead Poisoning Prevention Branch, Division of Environmental Emergency Health Services, National Center for Environmental Health, CDC, 4770 Buford Hwy, NE., Mailstop F60, Atlanta, GA 30341, telephone 770–488–3629, fax 770 488–3635.

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

Dated: January 29, 2009.

Elaine L. Baker,

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

[FR Doc. E9–3794 Filed 2–20–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Health Statistics: Notice of Sample Size Changes

AGENCY: Centers for Disease Control and Prevention, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention, has provided statistics on the health of the American people for almost 50 years. Two of its preeminent surveys, the National Health Interview Survey and the National Health and Nutrition Examination Survey are at the half century mark. The quality of NCHS' statistical program is of critical concern to the Center. Data on sample design, data quality and estimation techniques are discussed in detail in NCHS reports and in the proposed data collections that are published in the **Federal Register** and submitted to the Office of Management and Budget (OMB) for review and approval.

The timelines for preparing and submitting requests for OMB approval under the Paperwork Reduction Act and for the Federal Government's budget process often are not synchronized. Thus it is possible that a survey may receive OMB approval for collection of data from a certain number of respondents before the necessary resources have been appropriated in the federal budget. In all cases, the design of the survey allows for changes to the number of respondents without jeopardizing the representativeness of the weighted survey results. In addition, information on final sample sizes is included with each data release.

Over the last decade NCHS has made a number of program changes to stay within existing resources, including changes to survey design and sample size, in order to continue carrying out its mission and maintain its program quality. Three surveys have had or may have sample size reductions take place in FY 2009 and FY 2010. They are the National Health Interview Survey, the National Hospital Discharge Survey and the National Health and Nutrition Examination Survey.

The National Health Interview Survey

The National Health Interview Survey (NHIS) is an in-person household-based survey. The sample design that was in place from 1995 through 2005 called for a sample of 39,000 households and 100,000 individuals. However, in 2002, 2003, and 2004, the sample was reduced on average to approximately 36,000 households and approximately 93,000 individuals.

The sample design implemented in 2006 called for a permanent one-eighth reduction in sample size. However, from 2006–2008, existing resources necessitated a further reduction in sample size down to about 29,000 households and about 76,000 individuals (see table below). The present plan is to reduce the 2009 NHIS to a sample size of about 17,000 households and 43,600 sample persons. All attempts will be made to reinstate the original sample design; however, final decisions on the implementation of the 2010 survey are contingent on available resources.

TABLE 1—COUNTS OF INTERVIEWED PERSONS AND HOUSEHOLDS IN THE 2000–2010 NHIS

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008 expected	2009 with a 50% cut	2010 with a 50% cut
No. of persons	100,618	100,761	93,386	92,148	94,460	98,649	75,716	75,764	75,500	43,589	43,589
No. of households	38,633	38,932	36,161	35,921	36,579	38,509	29,204	29,266	29,000	16,848	16,848

The National Hospital Discharge Survey

The National Hospital Discharge Survey (NHDS) is an establishment-based survey of inpatients discharged from a nationally-representative sample of hospitals. It has been fielded continuously since 1965 with a planned redesign for 2010 pending the results of pretesting the new design elements. With existing resources, it was decided to reduce the sample size by approximately one-half for both hospitals and patients for 2008. Present plans are to finish data collection for the 2008 survey but not to field the 2009 survey. Decisions on the 2010 survey and the implementation of the redesign are contingent on available resources and the results of the pretest.

The National Health and Nutrition Examination Survey

The National Health and Nutrition Examination Survey (NHANES), a nationally-representative survey involving both an interview and physical examination, was first fielded 50 years ago (1959) as the National Health Examination Survey. Until 1999 NHANES was fielded periodically but is now in the field continuously. Specifically, the design now allows for nationally-representative data to be publicly released every two years. The current NHANES was designed to be collected over the four-year period 2007–2010. Data collection for 2007 and 2008 has been completed. With existing resources, NCHS is maintaining sample size and content for 2009; however capital improvements for FY2009 have been reduced. Final decisions on the implementation of the 2010 survey are contingent on available resources.

For Questions Contact: Jennifer H. Madans, PhD, Associate Director for Science, National Center for Health Statistics, 3311 Toledo Road, Room 7207, Hyattsville, MD 20782, *e-mail: JMadans@cdc.gov.*

Dated: February 9, 2009.

James D. Seligman,

Chief Information Officer, Centers for Disease Control and Prevention.

[FR Doc. E9–3797 Filed 2–20–09; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Court Improvement Program.

OMB No.: 0970–0245.

Description: The Court Improvement Program provides grants to State court systems to conduct assessments of their foster care and adoption laws and judicial processes and to develop and implement a plan for system improvement. ACF proposes to collect information from the States about this program (applications, program reports) by way of a Program Instruction, which

(1) describes the requirements for States under the reauthorization of the Court Improvement Program; (2) outlines the programmatic and fiscal provisions and reporting requirements of the program; (3) specifies the application submittal and approval procedures for the program for Fiscal Years 2007 through 2011; and (4) identifies technical resources for use by State courts during the course of the program. This Program Instruction contains information collection requirements pursuant to receiving a grant award that are found in Public Law 103–66, as amended by Public Law 105–89, Public Law 107–133, Public Law 109–239, and Public Law 109–288. The agency will use the information received to ensure compliance with the statute and provide training and technical assistance to the grantees.

Respondents: State Courts.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Application	52	1	40	2,080
Annual program report	52	1	36	1,872

Estimated Total Annual Burden Hours: 3,952

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

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

Dated: February 18, 2009.

Janean Chambers,

Reports Clearance Officer.

[FR Doc. E9–3760 Filed 2–20–09; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0664]

Allergenic Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Allergenic Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 18, 2009, from 8 a.m. to approximately 12:30 p.m.

Location: Food and Drug Administration, Center for Drug Evaluation and Research, Advisory Committee Conference Room, rm. 1066, 5630 Fishers Lane, Rockville, MD.

Contact Person: Gail Dapolito or Jane Brown, Food and Drug Administration (HFM–71), 1401 Rockville Pike, Rockville, MD 20852, 301–827–0314, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512388. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: On March 18, 2009, the committee will discuss (1) a proposed change of potency assay for short ragweed pollen and cat allergen extracts from radial immunodiffusion assay to an enzyme-linked immunosorbent assay and (2) structured product labeling. The committee will also receive an update on research programs in the Laboratory of Immunobiochemistry, Division of Bacterial, Parasitic and Allergenic Products, Office of Vaccines Research and Review, Center for Biologics Evaluation and Research, FDA.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/ohrms/dockets/ac/acmenu.htm*, click on the year 2009 and scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before March 11, 2009. Oral presentations from the public will be scheduled between approximately 10:45 a.m. and 11:45 a.m. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before March 3, 2009. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by March 4, 2009.

Persons attending FDA's advisory committee meetings are advised that the

agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Gail Dapolito at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/oc/advisory/default.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 12, 2009.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E9–3786 Filed 2–20–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301–496–7057; fax: 301–402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Quantitative Real-Time RT–PCR Array for Detection of Human Herpesvirus 6A Gene Expression

Description of Technology: This invention describes an RT–PCR array that allows for the simultaneous transcriptional profiling of the human herpesvirus HHV6A genome. It may be used to determine the contribution of HHV6A to the development of lymphomas, other types of cancer or diseases where an infectious agent is suspected. Primer pairs are designed to amplify under identical reaction conditions and are rigorously tested to ensure specificity for the HHV6A ORFs to the exclusion of all other human herpesviruses including HHV6B and HHV7.

Recent findings of the association of active viral genes with cancer cells have led to new proposed targets for cancer vaccines and therapeutics. The ability to distinguish HHV6A from other related herpesviruses, and to independently assay viral gene activity, may lead to the identification of new viral targets for the treatment of cancers and other diseases where HHV6A transcription is active.

Applications:

- Analysis of whole HHV6A genome expression.
- Identification of HHV6A gene expression and its association with disease states.

Development Status: Late stage.

Inventors: Rachel K. Bagni (NCI/SAIC), Francis W. Ruscetti (NCI), *et al.*

Patent Status: U.S. Provisional Application No. 61/114,753 filed 14 Nov 2008 (HHS Reference No. E–019–2009/0–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Jeffrey A. James, PhD; 301–435–5474; *jeffreyja@mail.nih.gov*.

Collaborative Research Opportunity: The National Cancer Institute, Advanced Technology Program, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize virus specific quantitative real-time RT–PCR arrays. Please contact John D. Hewes, PhD at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

In Vivo Quantitative Tissue Oxygen Imaging Using Pulsed Time-Domain Electron Paramagnetic Resonance—Echo-Based Single Point Imaging (ESPI)

Description of Technology: Available for licensing and commercial development are patent rights covering an EPR image formation strategy for *in vivo* imaging of physiological function. It emphasizes image resolution and quantitative assessment of *in vivo* tissue oxygen that are important in planning radiation and chemotherapeutic treatments for patients with cancers. The method pertains exclusively to time-domain Fourier Transform EPR imaging (FT–EPRT) with emphasis on spatial and temporal resolution, since physiological processes are generally rapid and require accurate and rapid time-course information.

Two most important existing methods are Spin Echo Fourier (SEF) and Single Point Imaging (SPI). ESPI (Echo-based Single Point Imaging) enables the combination of the advantages of the quantitative T_2 contrast of SEF strategy and the super high resolution of the SPI methodology, leading to reliable EPR imaging for tissue physiological function *in vivo*.

Applications:

- EPR (Electron Paramagnetic Resonance).
- *In vivo* imaging.
- Tissue oxygen.

Inventors: Sankaran Subramanian, Nallathamby Devasahayam, Shingo Matsumoto, James Mitchell, Murali Cheruki, John Cook (NCI).

Patent Status: U.S. Provisional Application No. 61/200,579 filed 29 Nov 2008 (HHS Reference No. E–250–2008/0–US–01), entitled ''Pulsed Time-Domain Electron Paramagnetic Resonance In Vivo Tissue Oxygen Imaging Via Cooperative ESE/ESPI''.

Licensing Status: Available for licensing.

Licensing Contact: Michael A. Shmilovich, Esq.; 301–435–5019; *shmilovm@mail.nih.gov*.

Collaborative Research Opportunity: The National Cancer Institute Radiation Biology Branch is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize Echo-based Single Point Imaging. Please contact John D. Hewes, PhD at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Microwave-Assisted Freeze Substitution of Biological and Biomedical Samples (MWFS)

Description of Technology: Freeze substitution fixation (FS) of hydrated samples frozen in vitreous ice provides exceptional preservation of structure for light and electron microscopy, and enables immunological detection of thermo-labile antigens that otherwise are damaged/destroyed by processing at ambient or elevated temperatures. Its use as a research tool or in clinical pathology has, however, been limited by the relatively lengthy periods required for passive diffusion of fixatives and organic solvents into the frozen hydrated material.

The instant invention utilizes controlled microwave (MW) irradiation to accelerate the FS process; and comprises systems, devices and methods for microwave-assisted processing of samples under cryo-conditions. The entire MWFS procedure has been accomplished in less than 4 hours as compared to the approximately 2–5 days required for FS.

Applications:

• Provides superior preservation and rapid turnaround in research and high throughput clinical laboratory settings.

• Applicable to a broad range of biological samples, hydrogels, and other hydrated materials.

• Processing for light and electron microscopy.

• Low-temperature synthetic and analytical chemistry.

Advantages:

• Reduces processing periods from days to hours.

• Improves preservation, approaching native state.

• Enables uncomplicated, programmable operation.

• Provides excellent reproducibility.

Development Status:

• Proof of concept with varied biological samples.

• Adaptation of existing equipment with manual processing.

• Proposed designs for instrumentation and automation.

Market:

• Commercial and clinical histology laboratories.

• Pathology and forensic laboratories.

• Biomedical and biological research laboratories.

• Hydrogel and hydrated material research and quality control laboratories.

• Pharmaceutical and other synthetic and analytical chemistry laboratories.

Inventors: David Dorward, Vinod Nair, and Elizabeth Fischer (NIAID).

Publications: Manuscripts in preparation.

Patent Status:

• U.S. Provisional Application No. 61/094,848 filed 05 Sep 2008 (HHS Reference No. E–238–2008/0–US–01).

• U.S. Provisional Application No. 61/112,575 filed 07 Nov 2008 (HHS Reference No. E–238–2008/1–US–01).

• No foreign rights available at the present.

Licensing Status: Available for licensing.

Licensing Contact: RC Tang, JD, LLM; 301–435–5031; *tangrc@mail.nih.gov*.

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases, Research Technologies Branch, Electron Microscopy Unit, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize potential applications of the above mentioned invention, including design and development of instrumentation for conducting microwave-assisted freeze (cryo) substitution. Please contact Jason (Christopher) Freeman, J.D., NIAID/OTD, at 301–451–5054 or *freemanch@niaid.nih.gov* for more information.

Compositions and Methods for Vaccine and Virus Production

Description of Technology: This technology relates to compositions and methods for improving the growth characteristics of cells engineered to produce live viruses such as the Influenza virus. Featured is a method that uses the gene candidate, siat7e, or its expressed or inhibited products in Madin Darby Canine Kidney (MDCK) cells. The gene expression modulates anchorage-dependence of the cell line thereby allowing scale-up on bioreactor platforms without the use of microcarrier beads and reducing production costs. More specifically, this technology claims use of the methods embodied in the patent application for production of the Influenza viruses (human, avian and canine).

Applications: This technology may be used to improve the production of prophylactic compounds against the seasonal flu. Influenza viruses are traditionally isolated and propagated in chicken embryonated eggs. Egg-derived viruses are the source of Influenza vaccine preparation. Issues associated with this current Influenza virus production strategy are prolonged planning of egg supplies and cultivation periods, variants in antigenic properties of egg-derived viruses, sterility and hypersensitivity to egg compounds in a fractional population of potential vaccine recipients. Defined cell substrates are currently being investigated. MDCK cells have been shown to produce sufficient viral titers. However, these cells are anchorage-dependent and thus limited in scale-up even with the use of microcarrier beads. This technology provides a method for converting the MDCK cells into suspension culture and thus a promising alternative for Influenza virus production.

Advantages: This technology offers the ability to improve yields and reduce the cost associated with the production of the Influenza virus through the genetic modification of the MDCK cell line having:

• Altered growth characteristics.

• Altered adhesion characteristics.

• Altered rate of proliferation.

• Improvement in cell density growth in suspension.

• Improvement in hemagglutinin production.

Development Status: Late Stage—Ready for Production.

Market: Based on the marketing data collected during the late 1990s and early 2000s, growth of pharmaceutical companies' investments in vaccine have generated sales just slightly below $10 billion in 2004 and this statistic is expected to at least triple by the mid-2010s. It has also been reported that egg-based Influenza vaccines account for approximately 14% of the total vaccine sales and will approach a market size of $4 billion at the end of the decade. However, the belief of an impending Influenza pandemic has also spurred the search for a defined cell line that can serve as an alternative to the current egg-based production. Discovery and characterization of a suitable cell line for Influenza virus would be extremely valuable.

Mammalian cells such as Vero, PER.C6, and especially MDCK cells have been under investigation by both academic and industrial groups for their suitability to produce commercially viable viral titers. This technology details the genetic modification of the MDCK cell line with a human gene and consequently the isolation of an anchorage-independent MDCK cell line that has consistently produced a higher hemagglutinin titer.

This technology is ready for use in drug/vaccine discovery, production and development. The technology provides methods for altering the adhesion properties of the MDCK cell line to improve growth and production properties. Companies that are actively seeking production platforms based on mammalian cell lines that offer high efficiency, high throughput systems for Influenza virus production and ease of scale-up would be potential licensees of this technology.

Inventors: Joseph Shiloach, Pratik Jaluria, Michael Betenbaugh and Chia Chu (NIDDK).

Patent Status: U.S. Provisional Application No. 61/124,077 filed 11 Apr 2008 (HHS Reference No. E–173–2008/0–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Peter A. Soukas, J.D.; 301–435–4646; *soukasp@mail.nih.gov*.

Collaborative Research Opportunity: The Biotechnology Core laboratory will consider collaborative research to further develop, evaluate, or

commercialize the above invention. Please contact Dr. Joseph Shiloach at *joseph.shiloach@nih.gov* or 301–496–9719 for more information.

Teniae Coli Guided Navigation and Registration for Virtual Colonoscopy

Description of Technology: This invention describes a more sensitive and efficient method for colon cancer screening using the *teniae coli* as an anatomical reference. Most computed tomographic colonography (CTC) protocols for colon cancer screening require that a patient is scanned in both the supine and prone positions for increased sensitivity; as a result, a reference system between scans is necessary for lesion matching. The *teniae coli* are three equal-distanced bands of longitudinal smooth muscle on the surface of the colon between the appendix and the sigmoid colon. These muscles can be used as anatomical landmarks to derive a coordinate system to better localize and register the corresponding supine and prone positions of a CTC study. The inventors have devised a semi-automated system for extracting data from the *teniae coli* and defining coordinate systems based on them.

The invention allows for more detailed detection of anatomical features for surgical planning, better camera orientation and virtual protocols, more efficient lesion registration, and precise record keeping. The algorithm has been used successfully to correctly localize several polyps to the same circumferential position in both supine and prone scans of a CTC study.

Applications:

• Positioning virtual cameras for navigating a single dataset.

• Synchronizing virtual cameras for virtual colonoscopic navigation.

• Predicting lesion candidates in a bound region for both 2D and 3D reading paradigms.

• Automatic polyp matching between scans for CAD applications.

Development Status: Late stage.

Inventors: Hui-Yang Huang (CC), Ronald M. Summers (CC), Dave R. Roy (OD).

Publication: A Huang, DA Roy, RM Summers, M Franaszek, N Petrick, JR Choi, PJ Pickhardt. *Teniae coli*-based circumferential localization system for CT colonography: feasibility study. *Radiology* 2007 May;243(2):551–560.

Patent Status:

• U.S. Patent Application No. 11/436,889 filed May 17, 2006 (HHS Reference No. E–084–2006/0–US–01).

• No foreign rights available.

Licensing Status: Available for licensing.

Licensing Contact: Jeffrey A. James, PhD; 301–435–5474; *jeffreyja@mail.nih.gov*.

Method and Apparatus for Performing Multiple Simultaneous Manipulations of Biomolecules in a Two-Dimensional Array

Description of Technology: This technology concerns a method and apparatus for accomplishing and/or facilitating the analysis of multiple biomolecules separated in a two-dimensional array, such as gel, membrane, tissue biopsy, etc. The invention employs a separator, termed an External Movement Inhibitor Device, that allows biomolecules to be transferred from an array such as those listed above to another support system while maintaining the two-dimensional spatial relationship of the biomolecules as in the array. The biomolecules can subsequently be subjected to various manipulations such as amplification, reverse transcription, labeling, cloning, etc., after which multiple well-established methods for quantitative and qualitative analysis can be used.

Applications:

• Two dimensional nucleic acid analysis.

• Two dimensional proteomic analysis.

• Histology/Pathology.

Advantages: Allows for simultaneous 2D analysis of nucleic acids and proteins.

Development Status: In vitro data can be provided upon request.

Market:

• Histology/Pathology of tissue samples.

• Tissue arrays.

• Nucleic acid and proteomic analysis.

Inventors: Michael R. Emmert-Buck *et al.* (NCI).

Patent Status:

• International Patent Application No. PCT/US03/37208 filed 20 Nov 2003 (HHS Ref. No. E–339–2002/0–PCT–02).

• U.S. Patent Application No. 10/535,521 filed 18 May 2005 (HHS Reference No. E–339–2002/0–US–03).

Licensing Status: Available for licensing.

Licensing Contact: Kevin W. Chang, PhD; 301–435–5018, *changke@mail.nih.gov*.

Collaborative Research Opportunity: The National Cancer Institute Laboratory of Pathology and Urologic Oncology Branch, Center for Cancer Research is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize an external movement inhibitor device for spatially restricted PCR amplification of nucleic acids. Please contact John D. Hewes, PhD at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Dated: February 10, 2009.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E9–3811 Filed 2–20–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; NIDA–K Conflicts—SEP.

Date: March 17, 2009.

Time: 4:30 p.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz Carlton Hotel, 1150 22nd Street, N.W., Washington, DC 20037.

Contact Person: Kristen V. Huntley, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, 301–435–1433, *huntleyk@mail.nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Medications Development Centers.

Date: March 19–20, 2009.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Sofitel Hotel, 806 15th Street, Washington, DC 20005.

Contact Person: Scott Chen, PhD, Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6101 Executive Boulevard, Room 220, MSC 8401, Bethesda, MD 20892, 301–443–9511, *chensc@mail.nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; AIDS-Related CEBRA Review.

Date: March 20, 2009.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: 6101 Executive Blvd, 220 Rockville, MD 20852, (Virtual Meeting).

Contact Person: Gerald L. McLaughlin, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Blvd., Bethesda, MD 20892–8401, 301–402–6626, *gm145a@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; I/START Review.

Date: March 27, 2009.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852, (Virtual Meeting).

Contact Person: Gerald L. McLaughlin, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Blvd., Bethesda, MD 20892–8401, 301–402–6626, *gm145a@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Conference Grant Application Review.

Date: March 27, 2009.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852, (Virtual Meeting).

Contact Person: Mark R. Green, PhD, Deputy Director, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, (301) 435–1431, *mgreen1@nida.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 11, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–3438 Filed 2–20–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; 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 on Alcohol Abuse and Alcoholism, Special Emphasis Panel, Mechanisms Underlying Alcohol Treatment.

Date: March 17, 2009.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Katrina L Foster, PhD, Scientific Review Officer, National Inst. on Alcohol Abuse & Alcoholism, National Institutes of Health, 5635 Fishers Lane, Rm. 2019, Rockville, MD 20852, 301–443–4032, *katrina@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: February 12, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–3589 Filed 2–20–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, Minority Biomedical Research Score Applications.

Date: March 9–10, 2009.

Time: 3 p.m. to 10 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Room 3AN18, 45 Center Drive, Bethesda, MD 20892. (Virtual Meeting)

Contact Person: Meredith D. Temple-O'Connor, PhD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12C, Bethesda, MD 20892, 301–594–2772, *templeocm@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(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 13, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–3704 Filed 2–20–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis

Panel, 2009 Pioneer Award Pre-Application Review.

Date: March 13, 2009.

Time: 8 a.m. to 11:59 p.m.

Agenda: To review and evaluate pre-Applications for the 2009 Pioneer Award Program.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892. (Virtual Meeting)

Contact Person: Ravi Basavappa, PhD, Scientific Review Officer, Division of Cell Biology and Biophysics, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 2AS19E, Bethesda, MD 20892, (301) 594–0828, *basavapr@mail.nih.gov*.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, MBRS SCORE Applications.

Date: March 13, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: John J. Laffan, PhD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN18J, Bethesda, MD 20892, 301–594–2773, *laffanjo@mail.nih.gov*.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, ZGM1–MORE–4–RI.

Date: March 13, 2009.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, 1 Washington Circle, NW., Washington, DC 20037.

Contact Person: Mona R. Trempe, PhD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12, Bethesda, MD 20892, 301–594–3998, *trempemo@mail.nih.gov*.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, E. coli Model Organisms Resource.

Date: March 13, 2009.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Room 3AN18, 45 Center Drive, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Brian R. Pike, PhD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN18, Bethesda, MD 20892, 301–594–3907, *pikebr@mail.nih.gov*.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, R13 Grant Applications.

Date: March 16, 2009.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Room 3AN18, 45 Center Drive, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Margaret J. Weidman, PhD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN18B, Bethesda, MD 20892, 301–594–3663, *weidmanma@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 13, 2009

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–3707 Filed 2–20–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Digestive Diseases and Nutrition Mentored and Training Awards.

Date: March 13, 2009.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Carol J. Goter-Robinson, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 13, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–3709 Filed 2–20–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Immune Defense Mechanisms at the Mucosa.

Date: March 19–20, 2009.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Priti Mehrotra, PhD, Scientific Review Administrator, Division of Extramural Activities, NIAID/NIH, 6700B Rockledge Drive, Room 3138, Bethesda, MD 20892–7616, (301) 435–9369, *pm158b@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 13, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–3710 Filed 2–20–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; 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 Biomedical Imaging and Bioengineering Special Emphasis Panel.
Date: March 19, 2009.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: Democracy Plaza II, 6707 Democracy Blvd., Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Ruixia Zhou, PhD, Scientific Review Officer, 6707 Democracy Boulevard, Democracy Two Building, Suite 957, Bethesda, MD 20892, 301–496–4773, *zhour@mail.nih.gov*.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; Tissue Engineering/Regenerative Medicine.
Date: March 20, 2009.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.
Contact Person: John K. Hayes, PhD, Scientific Review Officer, 6707 Democracy Boulevard, Democracy Two Building, Suite 959, Bethesda, MD 20892, 301–451–3398, *hayesj@mail.nih.gov*.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel.
Date: March 20, 2009.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: Democracy Plaza II, 6707 Democracy Blvd., Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Ruixia Zhou, PhD, Scientific Review Officer, 6707 Democracy Boulevard, Democracy Two Building, Suite 957, Bethesda, MD 20892, 301–496–4773, *zhour@mail.nih.gov*.

Dated: February 13, 2009.

Jennifer Spaeth,
Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–3711 Filed 2–20–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Methods of Using Deacetylase Inhibitors To Treat Dystrophies and Other Tissue Degeneration Disorders

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an exclusive patent license to practice the inventions embodied in U.S. Provisional Patent Application No. 60/335,705, filed October 18, 2001, now abandoned, entitled ''Methods of Using Deacetylase Inhibitors as Tools to Promote Cell Differentiation and Regeneration'' [HHS Ref. No. E–353–2001/0–US–01]; U.S. Provisional Patent Application No. 60/343,854, filed October 25, 2001, now abandoned, entitled ''Methods of Using Deacetylase Inhibitors as Tools to Promote Cell Differentiation And Regeneration'' [HHS Ref. No. E–353–2001/1–US–01]; PCT Patent Application No. PCT/US02/33570, filed October 17, 2002, now abandoned, entitled ''Methods of Using Deacetylase Inhibitors as Tools to Promote Cell Differentiation and Regeneration'' [HHS Ref. No. E–353–2001/2–PCT–01]; U.S. Patent Application No. 10/492,901, filed April 15, 2004, which issued as U.S. Patent No. 7,229,963, on June 12, 2007, entitled ''Methods of Using Deacetylase Inhibitors as Tools to Promote Cell Differentiation and Regeneration'' [HHS Ref. No. E–353–2001/2–US–02]; and U.S. Patent Application No. 11/800,151, filed May 4, 2007, which published as 2008/0248994, on October 9, 2008, entitled ''Methods of Using Deacetylase Inhibitors to Promote Cell Differentiation and Regeneration'' [HHS Ref. No. E–353–2001/2–US–03] to ADVANCELL Advanced In Vitro Cell Technologies, S.A. which has an office in Barcelona, Spain. The patent rights in these inventions have been assigned to the United States of America and The Salk Institute for Biological Studies.

The prospective exclusive license territory may be ''worldwide'', and the field of use may be limited to ''the use of deacetylase inhibitors to treat dystrophies and other disorders involving tissue degeneration.''

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before April 21, 2009 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, comments, and other materials relating to the contemplated exclusive license should be directed to: Suryanarayana (Sury) Vepa, PhD, J.D., Licensing and Patenting Manager, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 435–5020; Facsimile: (301) 402–0220; E-mail: *vepas@mail.nih.gov*.

SUPPLEMENTARY INFORMATION: This technology relates to methods of enhancing progenitor cell differentiation, including enhancing myogenesis, neurogenesis and hematopoiesis, by contacting a progenitor cell with an effective amount of a deacetylase inhibitor (DI). The progenitor cell can be part of cell culture, such as a cell culture used for *in vitro* or *in vivo* analysis of progenitor cell differentiation, or can be part of an organism, such as a human or other mammal. Contacting the progenitor cell with a DI can lead to enhancement of expression of terminal cell-type specific genes in the progenitor cell, such as enhancing expression of muscle-specific genes in myoblasts, and can lead to skeletal muscle hypertrophy. Administering a DI to a subject also can provide some prophylactic or therapeutic effect for inhibiting, preventing, or treating conditions associated with a degeneration or loss of tissue. The DI can be administered to a subject as part of a pharmaceutical composition.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless within sixty (60) days from the date of this published notice, the NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Applications for a license in the field of use filed in response to this notice will be treated as objections to the grant

of the contemplated exclusive license. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: February 10, 2009.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E9–3809 Filed 2–20–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form N–25, Extension of an Existing Information Collection Request; Comment Request

ACTION: 30-Day Notice of Information Collection Under Review: Form N–25, Request for Verification of Naturalization. OMB Control No. 1615–0049.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on November 20, 2008, at 73 FR 70361, allowing for a 60-day public comment period. USCIS did not receive any comments for this information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until March 25, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), USCIS Desk Officer. Comments may be submitted to: USCIS, Chief, Regulatory Management Division, Clearance Office, 111 Massachusetts Avenue, Suite 3008, Washington, DC 20529–2210. Comments may also be submitted to DHS via facsimile to 202–272–8352 or via e-mail at *rfs.regs@dhs.gov*, and to the OMB USCIS Desk Officer via facsimile at 202–395–6974 or via e-mail at *oira_submission@omb.eop.gov*.

When submitting comments by e-mail please make sure to add OMB Control Number 1615–0049 in the subject box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of an existing information collection.

(2) *Title of the Form/Collection:* Request for Verification of Naturalization.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form N–25. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Not-for-Profit Institutions. This form will allow U.S. Citizenship and Immigration Services (USCIS) to obtain verification from the courts that a person claiming to be a naturalized citizen has, in fact, been naturalized.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 1,000 responses at 15 minutes (.25) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 250 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please visit the USCIS Web site at: *http://www.regulations.gov/search/index.jsp*.

If additional information is required contact: USCIS, Regulatory Management Division, 111 Massachusetts Avenue, Suite 3008, Washington, DC 20529–2210, (202) 272–8377.

Dated: February 17, 2009.

Stephen Tarragon,

Deputy Chief, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. E9–3796 Filed 2–20–09; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Forms G–1041 and G–1041A, Extension of a Currently Approved Information Collection; Comment Request

ACTION: 30-Day Notice of Information Collection Under Review: Forms G–1041 and G–1041A, Historical Records Services Request; OMB Control No. 1615–0096.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on November 14, 2008, at 73 FR 67537, allowing for a 60-day public comment period. USCIS did not receive any comments for this information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until March 25, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), USCIS Desk Officer. Comments may be submitted to: USCIS, Chief, Regulatory Management Division, Clearance Office,

111 Massachusetts Avenue, Suite 3008, Washington, DC 20529–2210. Comments may also be submitted to DHS via facsimile to 202–272–8352 or via e-mail at *rfs.regs@dhs.gov,* and to the OMB USCIS Desk Officer via facsimile at 202–395–6974 or via e-mail at *oira_submission@omb.eop.gov.*

When submitting comments by e-mail please make sure to add OMB Control Number 1615–0096 in the subject box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of an existing information collection.

(2) *Title of the Form/Collection:* Historical Records Services Request.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Forms G–1041 and G–1041A. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals and households. These forms will be used by USCIS to facilitate an accurate and timely response to genealogy requests.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Form G–1041—15,250 responses at 30 minutes (.50) per response. Form G–1041—11,347 responses at 30 minutes (.50) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 13,299 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please visit the USCIS Web site at: *http://www.regulations.gov/search/index.jsp.*

If additional information is required contact: USCIS, Regulatory Management Division, 111 Massachusetts Avenue, Suite 3008, Washington, DC 20529–2210, (202) 272–8377.

Dated: February 17, 2009.

Stephen Tarragon,

Deputy Chief, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. E9–3798 Filed 2–20–09; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Forms G–325, G–325A, G–325B, and G–325C, Extension of an Existing Information Collection Request; Comment Request

ACTION: 30-Day Notice of Information Collection Under Review: Forms G–325, G–325A, G–325B, and G–325C, Biographic Information. OMB Control No. 1615–0008.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on November 24, 2008, at 73 FR 71020, allowing for a 60-day public comment period. USCIS did not receive any comments for this information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until March 25, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), USCIS Desk Officer. Comments may be submitted to: USCIS, Chief, Regulatory Management Division, Clearance Office, 111 Massachusetts Avenue, Suite 3008, Washington, DC 20529–2210. Comments may also be submitted to DHS via facsimile to 202–272–8352 or via e-mail at *rfs.regs@dhs.gov,* and to the OMB USCIS Desk Officer via facsimile at 202–395–6974 or via e-mail at *oira_submission@omb.eop.gov.*

When submitting comments by e-mail please make sure to add OMB Control Number 1615–0008 in the subject box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of an existing information collection.

(2) *Title of the Form/Collection:* Biographic Information.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Forms G–325, G–325A, G–325B, and G–325C. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals and Households. These forms are used when it is necessary to check other agency records on applications or petitions submitted by applicants for certain benefits under the Immigration and Nationality Act (Act).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Form G–325—200,000 responses at 15 minutes (.25) per response; Form G–325A—583,921 responses at 15 minutes (.25) per

response; Form G–325B–500,000 responses at 25 minutes (.416) per response; and Form G–325C–140,000 responses at 15 minutes (.25) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 438,980 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please visit the USCIS Web site at: *http://www.regulations.gov/search/index.jsp.*

If additional information is required contact: USCIS, Regulatory Management Division, 111 Massachusetts Avenue, Suite 3008, Washington, DC 20529–2210, (202) 272–8377.

Dated: February 17, 2009.

Stephen Tarragon,

Deputy Chief, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. E9–3800 Filed 2–20–09; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–R–2009–N00007; 1265–0000–10137–S3]

Kootenai National Wildlife Refuge, Bonners Ferry, ID

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare a comprehensive conservation plan and environmental assessment; and request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service) intend to prepare a Comprehensive Conservation Plan (CCP) for the Kootenai National Wildlife Refuge (Refuge). We will also prepare an environmental assessment (EA) evaluating the potential effects of various CCP alternatives. The Refuge is located within Boundary County, Idaho. We are furnishing this notice to advise the public and other government agencies and Tribes of our intentions, and to obtain public comments, suggestions, and information on the scope of issues to be considered during the planning process.

DATES: We request your written comments on the scope of the CCP by March 25, 2009. All comments received during scoping will be considered during development of the Draft CCP and EA.

ADDRESSES: Address comments, questions, and requests for information to: Dianna Ellis, Kootenai National Wildlife Refuge, 287 Westside Road, Bonners Ferry, ID 83805. Comments may be faxed to the Refuge at (208) 267–5570, or e-mailed to *FW1PlanningComments@fws.gov*. Include ''Kootenai Refuge CCP'' in the subject line of your message. Additional information about the Refuge is available on the Internet at *http://www.fws.gov/kootenai/*. Additional information about the CCP planning process is available on the Internet at: *http://www.fws.gov/pacific/planning/*.

FOR FURTHER INFORMATION CONTACT: Dianna Ellis, Refuge Manager, Kootenai Refuge, phone (208) 267–3888.

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System (NWRS) Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee), requires all lands within the NWRS to be managed in accordance with an approved CCP. A CCP guides refuge management decisions, and identifies long-range goals, objectives, and strategies for achieving the purposes for which the refuge was established. During the CCP planning process for Kootenai Refuge many elements will be considered, including wildlife and habitat protection and management, public use opportunities, and cultural resource protection.

Public input during the planning process is essential. To initiate the public scoping phase of the CCP planning process we held two public open house meetings in Bonners Ferry, Idaho, on January 23, 2009. We announced the meetings in a press release and in a planning update mailed to 239 addressees, including refuge neighbors, interested individuals and organizations, elected officials, Tribes, and local, State, and Federal government and nongovernment stakeholders. Approximately 30 people attended the meetings. Public scoping will continue until March 25, 2009.

The Refuge's CCP will describe desired Refuge conditions and the long-term goals, objectives, and strategies for achieving those conditions. To evaluate potential impacts of CCP alternatives, we will prepare an EA in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4371 *et seq.*)

Background

The Refuge was established in 1964 under the Migratory Bird Conservation Act ''for use as an inviolate sanctuary, or for any other management purpose, for migratory birds'' with emphasis on providing migration and breeding habitat for migratory waterfowl. The Refuge's habitats include wetlands, mixed moist deciduous and coniferous forest, riparian woodland, riverine, and dry forest. Managed grasslands and croplands are also present on the Refuge.

The Refuge supports tens of thousands of migrating waterfowl, especially during fall migration. The Refuge also provides important stop-over habitat for spring migratory swans that winter in southeastern Oregon and nest in northeastern British Columbia and northwestern Alberta. Habitat for the federally listed bull trout; winter habitat for deer and elk; and occasionally, habitat and/or travel corridors for wide-ranging species such as woodland caribou, grizzly bear, and gray wolves is also provided on the Refuge.

Preliminary Issues, Concerns, and Opportunities

We identified the following categories of preliminary issues for consideration in the planning process: water and wetland management, including dike maintenance and water rights; cropland management; integrated pest management; deer and elk management; maintenance and restoration of riparian, upland forest, and instream habitats; the Refuge's role in recovery of rare and listed fish species; providing sustainable wildlife-dependent recreation with a small staff and land base; reducing visitor conflicts and law enforcement violations; and managing on-going Refuge programs and commitments in an era of tight budgets. Additional issues may be identified during public scoping.

Public Availability of Comments

All comments we receive become part of the public record. Requests for comments will be handled in accordance with the Freedom of Information Act, NEPA, and Service and Department of the Interior policies and procedures. 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 to withhold it from public review, we cannot guarantee we will be able to do so.

Dated: January 6, 2009.

David J. Wesley,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. E9–3763 Filed 2–20–09; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R9–FHC–2009–N0033; 94300–1122–0000–Z2]

Wind Turbine Guidelines Advisory Committee; Announcement of Public Teleconference and Webcast

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of public teleconference and Webcast.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), will host an optional Wind Turbine Guidelines Advisory Committee (Committee) meeting via Webcast and teleconference, on March 13, 2009. This meeting is open to the public but will be limited to 75 public participants. The meeting agenda will include a briefing by the Synthesis Subcommittee to the full Committee on the latest draft Recommendations to the Secretary of the Interior.

DATES: *Meeting:* The meeting will take place on March 13, 2009, from 12 to 2 p.m. Eastern Time.

Pre-meeting Public Registration: If you are a member of the public wishing to participate in the March 13, 2009, meeting, you must register online by March 6, 2009 (*see* ''Meeting Participation Information'' in **SUPPLEMENTARY INFORMATION**).

FOR FURTHER INFORMATION CONTACT: Rachel London, Division of Habitat and Resource Conservation, U.S. Fish and Wildlife Service, Department of the Interior, (703) 358–2161.

SUPPLEMENTARY INFORMATION:

Background

On March 13, 2007, the Department of the Interior (Interior) published a notice of establishment of the Committee and call for nominations in the **Federal Register** (72 FR 11373). The Committee's purpose is to provide advice and recommendations to the Secretary of the Interior (Secretary) on developing effective measures to avoid or minimize impacts to wildlife and their habitats related to land-based wind energy facilities. Committee is expected to exist for 2 years. Its continuation is subject to biennial renewal. The Committee meets approximately four times per year, and all Committee members serve without compensation.

In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), a copy of the Committee's charter has been filed with the Committee Management Secretariat, General Services Administration; Committee on Environment and Public Works, U.S. Senate; Committee on Natural Resources, U.S. House of Representatives; and the Library of Congress. The Secretary appointed 22 individuals to the Committee on October 24, 2007, representing the varied interests associated with wind energy development and its potential impacts to wildlife species and their habitats. We held five Committee meetings in 2008, and held a sixth meeting January 27–29, 2009. All Committee meetings are open to the public. The public has an opportunity to comment at all Committee meetings.

Meeting Participation Information

This meeting is open to the public and is limited to 75 registrants. Members of the public planning to participate must register at *http://www.fws.gov/habitatconservation/windpower/wind_turbine_advisory_committee.html* by close of business, March 6, 2009. Registrants will be provided with instructions for participation via e-mail. We will give preference to registrants based on date and time of registration.

Dated: February 11, 2009.

Rachel London,

Wind Turbine Guidelines Advisory Committee Alternate Designated Federal Officer.

[FR Doc. E9–3748 Filed 2–20–09; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R5–R–2008–N0191; BAC 4311–K9]

Wallkill River National Wildlife Refuge, Sussex, NJ

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability: final comprehensive conservation plan and finding of no significant impact for environmental assessment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of our final comprehensive conservation plan (CCP) and finding of no significant impact (FONSI) for the environmental assessment (EA) for Wallkill River National Wildlife Refuge (NWR) in Sussex County, New Jersey. In that final CCP, we describe how we will manage this refuge for the next 15 years.

ADDRESSES: You may view or obtain copies of the final CCP and FONSI by any of the following methods. You may request a hard copy or CD–ROM.

Agency Web Site: Download a copy of the document(s) at *http://library.fws.gov/ccps.htm.*

E-mail: northeastplanning@fws.gov. Include the words ''Wallkill River final CCP'' in the subject line of your message.

U.S. Mail: Edward Henry, Refuge Manager, Wallkill River NWR, 1547 County Route 565, Sussex, New Jersey 07461.

In-Person Viewing or Pickup: Call Wallkill River NWR at 973–702–7266 to make an appointment during regular business hours at 1547 County Route 565, Sussex, New Jersey. The final document is also available at the library listed under **SUPPLEMENTARY INFORMATION**, below.

FOR FURTHER INFORMATION CONTACT: Beth Goldstein, Refuge Planner, by phone at 413–253–8564, or by electronic mail at *Beth_Goldstein@fws.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we finalize the CCP process for Wallkill River NWR. We started that process by publishing a notice of intent in the **Federal Register** (64 FR 30; February 16, 1999). For more information about the process, see that notice. We announced the release of the draft CCP/EA to the public and requested their comments in a notice of availability in the **Federal Register** (73 FR 23; February 4, 2008).

Congress established the Wallkill River NWR by law on November 16, 1990, (Section 107 of H.R. 3338; Public Law 101–593) with the following purposes: (1) To preserve and enhance the refuge's lands and waters in a manner that will conserve the natural diversity of fish, wildlife, plants, and their habitats for present and future generations, (2) to conserve and enhance populations of fish, wildlife, and plants within the refuge, including populations of black ducks and other waterfowl, raptors, passerines, and marsh and water birds, (3) to protect and enhance the water quality of aquatic habitats within the refuge, (4) to fulfill international treaty obligation of the United States with respect to fish and wildlife and their habitats, and (5) to provide opportunities for compatible scientific research, environmental education, and fish and wildlife-oriented recreation (104 Stat. 2955).

The refuge's acquisition boundary is 7,500 acres, and stretches from Sussex County, New Jersey, to Orange County, New York. It is located along a 9-mile stretch of the Wallkill River, and lies in a rolling valley within the Appalachian Ridge and Valley physiographic province. The region's major wetlands are former glacial lake bottoms, and the lake's organic muck soils support extensive bottomland hardwood forests, wet meadows, and farm fields. Since establishing the refuge, we have acquired approximately 5,106 acres, and have focused primarily on conserving, restoring, and enhancing the natural diversity of fish, wildlife, and plants, and their habitats, along the Wallkill River. Refuge management activities include restoring wetlands, creating moist soil management units, maintaining grasslands, and providing opportunities for wildlife-dependent recreation.

We announce our decision and the availability of the FONSI and the final CCP for Wallkill River NWR in accordance with the requirements under the National Environmental Policy Act (NEPA) (40 CFR 1506.6(b)). We completed a thorough analysis of impacts on the human environment, which we included in the draft CCP/EA.

The CCP will guide us in managing and administering Wallkill River NWR for the next 15 years. Alternative B, which we describe in the draft CCP/EA as the Service-preferred alternative, is the foundation for the final CCP.

Background

The National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee; Improvement Act), which amends 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 plan for achieving refuge purposes and contributing to the mission of the National Wildlife Refuge System in a manner consistent with the 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, observing and photographing wildlife, and enjoying environmental education and interpretation. We will review and update the CCP at least every 15 years, in accordance with the Improvement Act.

CCP Alternatives, Including Alternative B, the Selected Alternative

Our draft CCP/EA (73 FR 23) identifies and addresses several issues in its chapter 1, ''The Purpose of and Need for Action.'' In that document, we developed three alternatives to respond to those issues. Alternative A represents current management. Alternative B focuses on managing for priority species and habitats. Alternative C proposes to establish and maintain the ecological integrity of natural communities on the refuge and surrounding landscape without specific emphasis or concern for any particular species or species groups. We identified alternative B as the Service-preferred alternative for several reasons. It includes an array of management actions that, in our professional judgment, work best toward achieving the purpose of the refuge, our vision and goals for those lands, and goals in state and regional conservation plans. In our opinion, alternative B most effectively addresses the key issues. We recommended alternative B to our Regional Director as the better alternative for managing this refuge over the next 15 years. He selected it for development into the final CCP.

The final CCP will expand the refuge's original acquisition boundary by 9,550 acres, creating a new refuge acquisition boundary of 17,050 acres total. We will acquire new lands from willing sellers through a combination of fee-simple and easement purchase. The expansion area includes four focus areas. The 7,079-acre Papakating Creek Focus Area is the largest, and encompasses a 15-mile tributary of the Wallkill River. All four focus areas have tremendous wetland resource values, and together they form a key corridor connecting preserved habitats on the Kittatinny Ridge to the west and the Hudson Highlands to the east. The expansion area will fully complement and enhance the Federal, State, and private conservation partnerships actively involved in protecting this unique ecosystem.

In the final CCP, we will allocate more resources toward managing and monitoring federal-listed species that now live or historically lived on the refuge. We will take a more proactive approach to restoring wetlands, and establish a 100-meter forested riparian corridor along either side of the Wallkill River. We will establish three grassland focus areas on the refuge, and let other small fields revert to scrub-shrub habitat.

We will open the part of the refuge in New Jersey to bear hunting according to State seasons, and provide at least one additional fishing access site within the original refuge acquisition boundary. We will increase access to Service-owned lands by opening at least two new trails and extending an existing trail. We will also develop new interpretive materials, and work with partners to expand our environmental education programs.

Comments

We solicited comments on the draft CCP/EA for Wallkill River NWR from February 4, 2008 to April 9, 2008. We held public meetings in Augusta, New Jersey, on February 20, 2008; in Wantage, New Jersey, on February 21, 2008; and in Warwick, New York, on March 6, 2008. We evaluated all comments received during the public comment period, and included them with our responses as appendix J of the final CCP.

Selected Alternative

After considering the comments we received, we have selected alternative B from the draft CCP/EA.

Public Availability of Documents

In addition to the methods in **ADDRESSES** above, you can view or obtain documents at the Sussex-Wantage Branch Library, 69 Route 639, Wantage, New Jersey 07461, during regular library hours.

Dated: December, 29, 2008.

Thomas J. Healy,

Acting Regional Director, U.S. Fish and Wildlife Service, Hadley, MA 01035.

[FR Doc. E9–3702 Filed 2–20–09; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–19155–16; AK–964–1410–KC–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision approving the surface and subsurface estates in certain lands for conveyance pursuant to the Alaska Native Claims Settlement Act will be issued to Doyon, Limited. The lands are in the vicinity of Galena, Alaska, and are located in:

Kateel River Meridian

T. 7 S., R. 9 E., Secs. 24, 25, and 26.

Containing approximately 1,866 acres.

T. 9 S., R. 9 E., Secs. 14 and 23.
Containing approximately 1,240 acres.
T. 8 S., R. 10 E.,
Sec. 6;
Secs. 13 and 14;
Secs. 15, 16, and 17;
Secs. 19 to 24, inclusive.
Containing approximately 7,283 acres.
T. 10 S., R. 10 E.,
Secs. 3 and 10;
Secs. 14 and 15;
Secs. 22 and 23;
Secs. 25, 26, and 27;
Sec. 36.
Containing approximately 7,390 acres.
Aggregating approximately 17,779 acres.

Notice of the decision will also be published four times in the Fairbanks Daily News-Miner.

DATES: The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision shall have until March 25, 2009 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7504.

FOR FURTHER INFORMATION CONTACT: The Bureau of Land Management by phone at 907–271–5960, or by e-mail at *ak.blm.conveyance@ak.blm.gov.* Persons who use a telecommunication device (TTD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8330, 24 hours a day, seven days a week, to contact the Bureau of Land Management.

Jenny M. Anderson,
Land Law Examiner, Land Transfer Adjudication I.

[FR Doc. E9–3792 Filed 2–20–09; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

National Park Service

60-Day Notice of Intention To Request Clearance of Collection of Information; Opportunity for Public Comment

AGENCY: Department of the Interior, National Park Service.

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 and 5 CFR Part 1320, Reporting and Record Keeping Requirements, the National Park Service (NPS) invites public comments on a proposed new collection of information (OMB# 1024–xxxx).

DATES: Public comments on this Information Collection Request (ICR) will be accepted on or before April 24, 2009.

ADDRESSES: *Send Comments To:* Wayne Freimund, Arkwright Professor of Protected Area Studies, University of Montana, College of Forestry and Conservation, 32 Campus Drive, CHCB 463, Missoula, MT 59812, (406) 243–5184, *wayne.freimund@umontana.edu.* Also, you may send comments to Leonard Stowe, NPS Information Collection Clearance Officer, 1849 C St., NW., (2605), Washington, DC 20240; or by e-mail at *Leonard_stowe@nps.gov.* All responses to this notice will be summarized and included in the request for the Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

To Request a Draft of Proposed Collection of Information Contact: Wayne Freimund, Arkwright Professor of Protected Area Studies, University of Montana, College of Forestry and Conservation, 32 Campus Drive, CHCB 463, Missoula, MT 59812; or via phone at 406/243–5184; or via e-mail at *wayne.freimund@umontana.edu*, or Jack Potter, Chief of Science and Resource Management, Glacier National Park, NPS, P.O. Box 128, West Glacier, MT 59936; or via phone at 406/888–7821; or via e-mail at *jack_potter@nps.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. James Gramann, NPS Social Science Program, 1201 ''Eye'' St., Washington, DC 20005; or via phone at 202/513–7189; or via e-mail at *James_Gramann@partner.nps.gov.* You are entitled to a copy of the entire ICR package free of charge once the package is submitted to OMB for review. You can access this ICR at *http://www.reginfo.gov/public/.*

SUPPLEMENTARY INFORMATION:

Title: Understanding Glacier National Park Visitors' Beliefs about Climate Change.

Bureau Form Number(s): None.

OMB Number: To be requested.

Expiration Date: To be requested.

Type of Request: New Collection.

Description of Need: The National Park Service (NPS) Organic Act of 1916, as amended and supplemented, 16 U.S.C. 1, *et seq.*, requires that the NPS preserve national parks for the use and enjoyment of present and future generations. Climate change may significantly impact the conditions in Glacier National Park (GNP), which among other predicted impacts, may lose its glaciers in the next twenty-five years. In order to develop effective responses to climate change impacts on both natural resources and visitor experiences in GNP, park managers need better information on what park visitors believe about climate change, the connections they make between climate change and GNP, and strategies to effectively educate park visitors about climate change and ways to reduce its impacts.

The NPS and GNP are currently developing a range of responses to climate change including educational programming. A centerpiece of these education programs is the Do Your Part for Climate Friendly Parks initiative, which asks park visitors to assess their personal contribution to climate change and then make commitments to lower their carbon footprint to help protect a national park of their choice from the impacts of climate change. This website was launched in the summer of 2008. GNP visitors may be a prime audience for this website, as melting glaciers in the park is one of the more obvious symbols of climate change impacts in the National Park System. However, more information is needed about visitors' beliefs about climate change to make this website as effective as possible. In addition, GNP implemented a mass transit system in the summer of 2007 as part of a major reconstruction of the Going to the Sun Road. Surveys of visitor attitudes about the shuttles found that a large percentage of GNP shuttle riders chose to ride the shuttle to protect the environment of the park. However, further understanding of the connections people make between protecting the environment, reducing climate change and mass transit in general and the GNP shuttle in particular will help park managers develop more effective climate change response and education strategies.

The primary objectives of this research are to provide information that will assist the GNP staff in developing climate change education programming and to develop recommendations for improving the Do Your Part for Climate Friendly Parks initiative. Specifically, this research will seek to understand the connections visitors make between riding the shuttle, protecting the environment of Glacier National Park (GNP), and reducing potential impacts of climate change on GNP, and to assess their awareness of and willingness to utilize the planned Do Your Part for Climate Friendly Parks Web-based initiative.

Automated data collection: This information will be collected by on-site,

through self completed surveys. No automated data collection will be used. Responding is voluntary.

Description of respondents: Visitors to Glacier National Park who visit between July 1, 2009, and August 31, 2009.

Estimated average number of respondents: We will contact 550 individuals stratified by weekend and weekday periods and expect 495, or 90 percent, to agree to respond.

Estimated average number of responses: We expect to collect 495 completed surveys.

Estimated average time burden per respondent: 1 minute for non-respondents and 5 minutes for respondents.

Frequency of Response: 1 time per respondent.

Estimated total annual reporting burden: 50 hours per year.

Comments are invited on: (1) The practical utility of the information being gathered; (2) the accuracy of the burden hour estimate; (3) ways to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 11, 2009.

Leonard E. Stowe,

NPS, Information Collection Clearance Officer.

[FR Doc. E9–3789 Filed 2–20–09; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Gettysburg National Military Park Advisory Commission

AGENCY: National Park Service.

ACTION: Notice of two meetings to be held on April 23, 2009 and September 10, 2009.

SUMMARY: This notice sets forth the dates of April 23, 2009 and September 10, 2009 of the Gettysburg National Military Park Advisory Commission.

DATES: The public meetings will be held on April 23, 2009 and September 10, 2009 from 7 p.m. to 9 p.m.

Location: The meetings will be held at the Ford Education Center, 1195 Baltimore Pike, Gettysburg, Pennsylvania 17325.

Agenda: The April 23, 2009 and September 10, 2009 meetings will consist of the Sub-Committee Reports from the Historical, Executive, and Interpretive Committees; Federal Consistency Reports Within the Gettysburg Battlefield Historic District; Operational Updates on Park Activities, which consists of an update on the Gettysburg National Battlefield Museum Foundation and National Park Service activities related to the new Visitor Center/Museum Complex, updates on the Wills House and Train Station; Transportation which consists of the National Park Service and the Gettysburg Borough working on the Shuttle System; Update on Land Acquisition within the park boundary or in the historic district; and the Citizens Open Forum where the public can make comments and ask questions on any park activity.

FOR FURTHER INFORMATION CONTACT: John A. Latschar, Superintendent, Gettysburg National Military Park, 97 Taneytown Road, Gettysburg, Pennsylvania 17325.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning agenda items. The statement should be addressed to the Gettysburg National Military Park Advisory Commission, 1195 Baltimore Pike, Suite 100, Gettysburg, Pennsylvania 17325.

Dated: January 30, 2009.

John A. Latschar,

Superintendent, Gettysburg NMP/Eisenhower NHS.

[FR Doc. E9–3775 Filed 2–20–09; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–623]

In the Matter of Certain R–134a Coolant (Otherwise Known as 1,1,1,2–Tetrafluoroethane); Enforcement Proceeding; Order

The Commission instituted this investigation on December 31, 2007, based on a complaint filed by INEOS Fluor Holdings Ltd., INEOS Fluor Ltd., and INEOS Fluor Americas L.L.C. (''INEOS''). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain R–134a coolant (otherwise known as 1,1,1,2–tetrafluoroethane) by reason of infringement of various claims of United States Patent No. 5,744,658. Complainants subsequently added allegations of infringement with regard to United States Patent Nos. 5,382,722 and 5,559,276. The complaint named two respondents, Sinochem Modern Environmental Protection Chemicals (Xi'an) Co., Ltd. and Sinochem Ningbo Ltd. Two additional respondents were subsequently added: Sinochem Environmental Protection Chemicals (Taicang) Co., Ltd. and Sinochem (U.S.A.) Inc.

On August 18, 2008, respondents moved for partial termination of the investigation based on the entry of a consent order specific to respondents' ''old'' process. On August 20, 2008, the administrative law judge (''ALJ'') issued an initial determination (''ID'') granting the motion and terminating the investigation with respect to the ''old'' process. On September 11, 2008, the Commission issued notice of its decision not to review the ID and issued the subject consent order.

On December 12, 2008, INEOS filed a complaint, requesting that the Commission institute a formal enforcement proceeding under Commission Rule 210.75 to investigate an alleged violation of the consent order relating to the ''old'' process. The complaint named a single respondent, Sinochem Environmental Protection Chemicals (Taicang) Co. Ltd. (''Sinochem (Taicang)'').

Having examined INEOS's complaint seeking a formal enforcement proceeding and having found that the complaint complies with the requirements for institution of formal enforcement proceedings in accordance with Commission Rule 210.75, the Commission has determined to institute a formal enforcement proceeding to determine whether Sinochem (Taicang) is in violation of the Commission's consent order in the above-captioned investigation, and what, if any, enforcement measures are appropriate.

Accordingly, the Commission hereby *orders* that:

1. Pursuant to Commission Rule 210.75(b), 19 CFR 210.75(b), a formal enforcement proceeding is instituted to determine whether Sinochem Environmental Protection Chemicals (Taicang) Co. Ltd. is in violation of the Commission's consent order issued in the above-captioned investigation, and

what if any enforcement measures are appropriate.

2. For purposes of the enforcement proceeding so instituted, the following are parties to the proceeding:

Complainants:

INEOS Fluor Holdings Ltd., The Heath, Runcorn, Cheshire, WA74QX, United Kingdom;

INEOS Fluor Ltd., The Heath, Runcorn, Cheshire, WA74QX, United Kingdom;

INEOS Fluor Americas L.L.C., 4990 B IC1 Road, St. Gabriel, LA 70776.

Respondent:

Sinochem Environmental Protection Chemicals (Taicang) Co. Ltd., South Binjiang Road, Petrochemical Industrial Section, Taicang Port Development Zone, Taicang, Jiangsu 215433, China.

A Commission investigative attorney to be designated by the Director, Office of Unfair Import Investigations.

3. The formal enforcement proceeding is hereby certified to the chief ALJ, Chief Judge Paul J. Luckern, who shall designate a presiding ALJ for this proceeding for issuance of an enforcement initial determination (''EID''). The presiding ALJ is directed to set a target date for completion of these proceedings within forty-five (45) days of institution in accordance with 19 CFR 210.51(a).

4. The presiding ALJ, in his discretion, may conduct any proceedings he deems necessary, including issuing a protective order, holding hearings, taking evidence, and ordering discovery consistent with Commission rules to issue his EID. The EID will rule on the question of whether Sinochem (Taicang) has violated the September 11, 2008 consent order issued in the above-captioned investigation. All defenses not barred by claim preclusion may be raised in this proceeding. The presiding ALJ shall also recommend to the Commission what enforcement measures are appropriate if Sinochem (Taicang) is found to violate the Commission's consent order. The presiding ALJ, in his discretion, may also conduct any proceedings he deems necessary, including taking evidence and ordering discovery, to issue his recommendations on appropriate enforcement measures.

5. Petitions for review of the EID may be filed within fourteen (14) days of service of the EID. Responses to any petitions for review may be filed within seven (7) days of service of any petitions for review.

6. Notwithstanding Commission Rule 210.75(b)(3), the EID shall become the Commission's final determination sixty (60) days after service of the EID, unless the Commission orders review or changes the deadline for determining whether to review it.

7. The Secretary shall:

(a) Docket INEOS's complaint for a formal enforcement proceeding;

(b) Serve a copy of INEOS's ''Complaint to Enforce Consent Order Pursuant to Commission Rule 210.75'' on the proposed respondent and advise Sinochem (Taicang) of the provisions of Commission Rule 210.75 concerning responses to a request for a formal enforcement proceeding;

(c) Serve a copy of this order upon each party to the formal enforcement proceeding;

(d) Publish notice of this order in the **Federal Register**.

By Order of the Commission.

Issued: February 18, 2009.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9–3803 Filed 2–20–09; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. Singapore FTA–103–22]

Certain Yarns and Fabrics FY 2009: Effect of Modification of U.S.-Singapore Free Trade Agreement Rules of Origin

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation.

SUMMARY: Following receipt of a request on January 28, 2009, from the Office of the United States Trade Representative (USTR) under authority delegated by the President and pursuant to section 103 of the United States-Singapore Free Trade Agreement (USSFTA) Implementation Act, the U.S. International Trade Commission (Commission) instituted investigation No. Singapore FTA–103–22, *Certain Yarns and Fabrics FY 2009: Effect of Modification of U.S.-Singapore Free Trade Agreement Rules of Origin.*

DATES: May 19, 2009: Deadline for filing all written submissions.

On or before August 28, 2009: Transmittal of report to the USTR.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street, SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://www.usitc.gov/secretary/edis.htm.*

FOR FURTHER INFORMATION CONTACT: Project Leaders Jackie Jones (202–205–3466 or *jackie.jones@usitc.gov*) or Laura V. Rodriguez (202–205–3499 or *laura.rodriguez@usitc.gov*) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Background: Chapter 3 and Annex 3-A of the U.S.-Singapore FTA set out rules of origin for textiles and apparel for applying the tariff provisions of the USSFTA. These rules are reflected in General Note 25 of the Harmonized Tariff Schedule (HTS). According to the request letter from USTR, U.S. negotiators have recently reached agreement in principle with representatives of the Government of Singapore to modify the USSFTA rules of origin for certain yarns and fabrics because it has been determined that producers in the United States and Singapore are not able to manufacture these products in commercial quantities in a timely manner. The products covered by this request are listed in the appendix that follows.

Section 203(o)(2)(B)(i) of the United States-Singapore Free Trade Agreement Implementation Act (the Act) authorizes the President, subject to the consultation and layover requirements of section 103 of the Act, to proclaim such modifications to the rules of origin as are necessary to implement an agreement with Singapore pursuant to Article 3.18.4(c) of the Agreement. One of the requirements set out in section 103 of the Act is that the President obtain advice regarding the proposed action from the Commission. The request letter asks that the Commission provide advice on the probable effect of the proposed modification of the USSFTA rules of origin described above

on U.S. trade under the USSFTA, on total U.S. trade, and on domestic producers of the affected articles. The USTR asked that the Commission submit its advice to USTR by August 28, 2009, and that the Commission shortly thereafter issue a public version of the report with any confidential business information deleted.

Additional information concerning the articles and the proposed modifications can be obtained by accessing the electronic version of this investigation notice at the Commission Internet site (*http://www.usitc.gov*). The USTR request letter may be obtained at *http://www.usitc.gov/ind_econ_ana/research_ana/Ongoing_Inv/documents/103reqlwt.pdf.* The current USSFTA rules of origin applicable to U.S. imports can be found in general note 25 of the HTS (see ''General Notes'' link at *http://www.usitc.gov/tata/hts/bychapter/index.htm*).

Written Submissions: No public hearing is planned. However, interested parties are invited to submit written submissions concerning this investigation. All written submissions should be addressed to the Secretary at the earliest possible date, and should be received not later than 5:15 p.m., May 19, 2009. All written submissions must conform to the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 requires that a signed original (or a copy so designated) and fourteen (14) copies of each document be filed. In the event that confidential treatment of a document is requested, at least four (4) additional copies must be filed, in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf*). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any submissions that contain confidential business information must also conform to the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the Aconfidential@ or Anon-confidential@ version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission may include some or all of the confidential business information submitted in the course of this investigation in the report it sends to the USTR and the President. As requested by the USTR, the Commission will publish a public version of the report. However, in the public version, the Commission will not publish confidential business information in a manner that would reveal the operations of the firm supplying the information.

By order of the Commission.

Issued: February 17, 2009.

Marilyn R. Abbott,

Secretary to the Commission.

Appendix

Proposals Under Paragraph 4 of Article 3.18 of the U.S.-Singapore Free Trade Agreement (USSFTA)

The products covered by this request are:

(1) Certain viscose rayon filament yarns, of the specifications detailed below, classified in subheading 5403.10.60 [1] of the Harmonized Tariff Schedule of the United States (HTSUS), for use in apparel articles;

Specifications:

1. Viscose Filament Yarn; DTEX 166/40 Bright Centrifugal; Tenacity, cN/tex, min.—142.0; Elongation at rupture, %—18.0–24.0; Elongation at rupture variation factory, % max.—8.1; Twist direction—S.
2. Viscose Filament Yarn; DTEX 330/60 Bright Centrifugal; Tenacity, cN/tex, min.—142.0; Elongation at rupture, %—18.0–24.0; Elongation at rupture variation factor, % max.—8.1; Twist direction—S.

(2) Certain fabrics, classified in subheading 5210.11 of the Harmonized Tariff Schedule of the United States (HTSUS), not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 70 metric, used in the production of women's and girls' blouses;

(3) Certain combed compact yarns, of wool or fine animal hair, classified in subheadings 5107.10, 5107.20, or 5108.20 of (HTSUS), for use in apparel articles;

(4) 100 percent cotton yarn-dyed woven flannel fabrics, made from 14 through 41 NM single ring-spun yarns, classified in 5208.43.00 of the (HTSUS), of construction 2 X 1 twill weave, weighing 200 grams per square meter or less, for use in apparel articles excluding gloves;

(5) Certain woven, 100 percent cotton, flannel fabrics, of the specifications detailed below, classified in the indicated subheadings of the (HTSUS), for use in shirts, trousers, nightwear, robes, dressing gowns, and woven underwear:

Specifications:

Fabric 1
HTS Subheading: 5208.42.30.00
Fiber Content: 100% Cotton
Weight: 152.6 g/m ^{2}
Width: 150 centimeters cuttable
Thread Count: 24.4 warp ends per centimeter; 15.7 filling picks per centimeter; total: 40.1 threads per square centimeter
Yarn Number: Warp: 40.6 metric, ring spun; filling: 20.3 metric, open end spun; overall average yarn number: 39.4 metric
Finish: Of yarns of different colors; napped on both sides, sanforized

Fabric 2
HTS Subheading: 5209.41.60.40
Fiber Content: 100% Cotton
Weight: 251 g/m ^{2}
Width: 160 centimeters cuttable
Thread Count: 22.8 warp ends per centimeter; 17.3 filling picks per centimeter; total: 40.1 threads per square centimeter
Yarn Number: Warp: 40.6 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 24.1 metric
Finish: Of yarns of different colors; napped on both sides, sanforized

Fabric 3
HTS Subheading: 5209.41.60.40
Fiber Content: 100% Cotton
Weight: 251 g/m ^{2}
Width: 160 centimeters cuttable
Thread Count: 20.1 warp ends per centimeter; 16.5 filling picks per centimeter; total: 36.6 threads per square centimeter
Yarn Number: Warp: 27.07 metric, ring spun; filling: 10.16 metric, open end spun; overall average yarn number: 23.3 metric
Finish: Of yarns of different colors; napped on both sides, sanforized

(6) Certain woven, 100 percent cotton, flannel fabrics, of the specifications detailed below, classified in the indicated subheadings of the (HTSUS), for use in shirts, trousers, nightwear, robes, dressing gowns, and woven underwear:

Specifications:

Fabric 1:
HTS Subheading: 5208.32.30.40
Fiber Content: 100% Cotton
Weight: 152.6 g/m ^{2}
Width: 150 centimeters cuttable
Thread Count: 24.4 warp ends per centimeter; 15.7 filling picks per centimeter; total: 40.1 threads per square centimeter
Yarn Number: Warp: 40.6 metric, ring spun; filling: 20.3 metric, open end spun; overall average yarn number: 39.4 metric
Finish: (Piece) dyed; napped on both sides, sanforized

Fabric 2:
HTS Subheading: 5209.31.60.50
Fiber Content: 100% Cotton
Weight: 251 g/m ^{2}
Width: 160 centimeters cuttable
Thread Count: 22.8 warp ends per centimeter; 15 filling picks per centimeter; total: 37.8 threads per square centimeter
Yarn Number: Warp: 40.6 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 24.1 metric

[1] Singapore's original request indicated that the HTS product classification for this product was 5403.41.0000. The U.S. and Singapore have subsequently agreed that the correct product classification is 5403.10.60.

Finish: (Piece) dyed; napped on both sides, sanforized

Fabric 3:
HTS Subheading: 5209.31.60.50
Fiber Content: 100% Cotton
Weight: 203 g/m 2
Width: 150 centimeters cuttable
Thread Count: 20.5 warp ends per centimeter; 17.3 filling picks per centimeter; total: 37.8 threads per square centimeter
Yarn Number: Warp: 40.6 metric, ring spun; filling: 13.5 metric, open end spun; overall average yarn number: 27.9 metric
Finish: (Piece) dyed; napped on both sides, sanforized

Fabric 4:
HTS Subheading: 5209.31.60.50
Fiber Content: 100% Cotton
Weight: 291.5 g/m 2
Width: 160 centimeters cuttable
Thread Count: 23.2 warp ends per centimeter; 15 filling picks per centimeter; total: 38.2 threads per square centimeter
Yarn Number: Warp: 27.07 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 20.1 metric
Finish: (Piece) dyed; napped on both sides, sanforized

Fabric 5:
HTS Subheading: 5209.31.60.50
Fiber Content: 100% Cotton
Weight: 291.5 g/m 2
Width: 160 centimeters cuttable
Thread Count: 26.8 warp ends per centimeter; 16.5 filling picks per centimeter; total: 43.3 threads per square centimeter
Yarn Number: Warp: 25.46 metric, ring spun; filling: 10.16 metric, open end spun; overall average yarn number: 23.8 metric
Finish: (Piece) dyed; napped on both sides, sanforized

Fabric 6:
HTS Subheading: 5209.31.60.50
Fiber Content: 100% Cotton
Weight: 254 g/m 2
Width: 160 centimeters cuttable
Thread Count: 20 warp ends per centimeter; 14.5 filling picks per centimeter; total: 34.5 threads per square centimeter
Yarn Number: Warp: 28.8 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 20.1 metric
Finish: (Piece) dyed; napped on both sides, sanforized

Fabric 7:
HTS Subheading: 5209.41.60.40
Fiber Content: 100% Cotton
Weight: 251 g/m 2
Width: 160 centimeters cuttable
Thread Count: 22.8 warp ends per centimeter; 15 filling picks per centimeter; total: 37.8 threads per square centimeter
Yarn Number: Warp: 40.6 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 24.1 metric
Finish: Gingham check or plaid of yarns of different colors; napped on both sides, sanforized

Fabric 8: Style 4245
HTS Subheading: 5209.41.60.40
Fiber Content: 100% Cotton
Weight: 251 g/m 2
Width: 160 centimeters cuttable
Thread Count: 19.7 warp ends per centimeter; 11.8 filling picks per centimeter; total: 31.5 threads per square centimeter
Yarn Number: Warp: 20.3 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 20.1 metric
Finish: Plaid of yarns of different colors; napped on both sides, sanforized

(7) Certain woven, 100 percent cotton, napped fabrics, of the specifications detailed below, classified in subheading 5209.31.60.50 of the (HTSUS), for use in shirts, trousers, nightwear, robes, dressing gowns, and woven underwear:
Specifications:

Fabric 1
HTS Subheading: 5209.31.60.50
Fiber Content: 100% Cotton
Weight: 291.5 g/m 2
Width: 160 centimeters cuttable
Thread Count: 24.41 warp ends per centimeter; 16.53 filling picks per centimeter; total: 40.94 threads per square centimeter
Yarn Number: Warp: 25.4 metric, ring spun; filling: 10.16 metric, open end spun; overall average yarn number: 14.04 metric
Finish: (Piece) dyed; napped on both sides, sanforized

Fabric 2
HTS Subheading: 5209.31.60.50
Fiber Content: 100% Cotton
Weight: 305 g/m 2
Width: 160 centimeters cuttable
Thread Count: 24.41 warp ends per centimeter; 18.11 filling picks per centimeter; total: 42.52 threads per square centimeter
Yarn Number: Warp: 25.4 metric, ring spun; filling: 10.16 metric, open end spun; overall average yarn number: 13.95 metric
Finish: (Piece) dyed; napped on both sides, sanforized

(8) Certain woven, 100 percent cotton, double-napped flannel fabric, of specifications detailed below, classified in HTSUS subheading 5209.31.6050, for use in shirts, trousers, nightwear, robes, dressing gowns, and woven underwear:
Specifications:

HTS Subheading: 5209.31.6050
Fiber Content: 100% Cotton
Weight: 203 g/m 2
Width: 150 centimeters cuttable
Thread Count: 21 warp ends per centimeter; 18 filling picks per centimeter; total: 39 threads per square centimeter
Yarn Number: Warp: 40.6 metric, ring spun; filling: 13.54 metric, open end spun; overall average yarn number: 19.2 metric
Finish: (Piece) dyed; napped on both sides, sanforized

[FR Doc. E9–3804 Filed 2–20–09; 8:45 am]
BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act (''CERCLA'')

Notice is hereby given that on February 11, 2009, a proposed Consent Decree in *United States* v. *Bristol Myers Squibb Company, et al.*, CIV No. 09-cv-0161 (N.D.N.Y.) was lodged with the United States District Court for the Northern District of New York.

The proposed Consent Decree is between the United States on behalf of the United States Environmental Protection Agency (''EPA'') and Bristol-Myers Squibb Company, General Electric Company, International Business Machines Corporation, and Pass & Seymour, Inc. (Settling Defendants). The proposed Consent Decree resolves claims against the Settling Defendants under Sections 106, 107, and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9606, 9607, 9613 related to the Solvent Savers Superfund Site in Lincklaen, Chenango County, New York. Under the proposed Consent Decree, the Settling Defendants agree to design, construct and operate groundwater remedies for the Site, estimated to cost $9.9 million, and a soil remedy including treatment of VOC's and PCBs for an estimated $4.9 million, and to pay EPA's future oversight costs. In return, the Decree provides the Settling Defendants with a covenant not to sue under CERCLA §§ 106 and 107(a) for the performance and costs of this work and for oversight costs.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Bristol Myers Squibb Company,* (N.D.N.Y.) No. 09-cv-0161, D.J. Ref. 90–11–3–704/1.

The Consent Decree may be examined at the Office of the United States Attorney, Northen District of New York, Suite 900, 100 S. Clinton St., Syracuse, NY 13261–7198 and at the Environmental Protection Agency, Region 2, Office of Regional Counsel, 290 Broadway, New York, New York 10007–1866. During the public comment period, the Consent Decree, may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html*. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone

confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $8.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Ronald Gluck,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E9–3802 Filed 2–20–09; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–0277]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: Office for Victims of Crime Training and Technical Assistance Center (OVC TTAC) Needs Assessment Survey.

The Department of Justice, Office of Justice Programs, Office for Victims of Crime, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for 60 days until April 24, 2009. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Pamela Leupen, Director, Technical Assistance, Publications, and Information Resources, Office for Victims of Crime, Office of Justice Programs, Department of Justice, 810 7th Street, NW., Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(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 agencies'/components' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Revision of currently approved collection.

(2) *The Title of the Form/Collection:* OVC TTAC Needs Assessment Survey.

(3) *The Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number(s): NA. Office for Victims of Crime, Office of Justice Programs, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract. Primary:* State, Local or Tribal agencies/organizations. *Other:* Federal Government; individuals or households; not-for-profit institutions; businesses or other for-profit. *Abstract:* The Office for Victims of Crime Training and Technical Assistance Center (OVC TTAC) Needs Assessment Form is designed to collect the data necessary to continuously improve customer service intended to meet the needs of the victim services field. OVC TTAC will make this form available to individuals employed at agencies and programs providing services to victims of crime nationwide. The purpose of this data collection will be to identify gaps in training among victim services providers; methods for meeting the issues and challenges voiced by victim service providers; the context in which services are delivered and received; and emerging issues and trends within the victim service community. The data will then be used to advise OVC on ways to improve the support that it provides to the victim services field at-large.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* There are approximately 1,500 respondents who will require an average of 20–30 minutes to respond to a single form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual public burden hours for this information collection is estimated to be 675 hours.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, 601 D Street, NW., Suite 1600, Washington, DC 20530.

Dated: February 17, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E9–3739 Filed 2–20–09; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,067]

Crosible, Inc. US Division Now Known as Clear Edge Filtration Moravia, NY; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on September 12, 2007, applicable to workers and former workers of Crosible, Inc., U.S. Division, Moravia, New York. The notice was published in the **Federal Register** on September 27, 2007 (72 FR 54939).

At the request of a Clear Edge Filtration official, the Department reviewed the certification for workers of the subject firm. Workers produce filters, made of fabric, used for air and water filtration systems.

New information shows that in January 2008, Clear Edge Filtration merged with Crosible, Inc., that the new company name is Clear Edge Filtration, and that the company has a new Federal Tax Identification Number.

The new information also shows that some of the workers' wages are being reported under the State of New York Unemployment Insurance tax account for Clear Edge Filtration.

Accordingly, the Department is amending this certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Crosible, Inc., who were adversely

affected by a shift of filter production to Mexico.

The amended notice applicable to TA–W–62,067 is hereby issued as follows:

''All workers of Crosible, Inc., U.S. Division, now known as Clear Edge Filtration, Moravia, New York, who became totally or partially separated from employment on or after August 27, 2006, through September 12, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed at Washington, DC, this 9th day of February 2009

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–3726 Filed 2–20–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,401]

Qimonda 200MM Facility Including On-Site Leased Workers From Tokyo Electron America and Nikon Precision, Inc. Sandston, VA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on December 11, 2008, applicable to workers of Qimonda 200MM Facility, Sandston, Virginia. The notice was published in the **Federal Register** on December 30, 2008 (73 FR 79914).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of DRAM semiconductor wafers.

New information shows that workers leased from Tokyo Electron America and Nikon Precision, Inc. were employed on-site at the Sandston, Virginia location of Qimonda 200MM Facility. The Department has determined that these workers were sufficiently under the control of Qimonda 200MM Facility to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from Tokyo Electron America and Nikon Precision, Inc. working on-site at the Sandston, Virginia location of the subject firm.

The intent of the Department's certification is to include all workers employed at Qimonda 200MM Facility, Sandston, Virginia who were adversely affected by a shift in production to a foreign country followed by increased imports of articles like or directly competitive with the DRAM semiconductor wafers produced by the subject firm.

The amended notice applicable to TA–W–64,401 is hereby issued as follows:

''All workers of Qimonda 200MM Facility, including on-site leased workers from Tokyo Electron America and Nikon Precision, Inc., Sandston, Virginia, who became totally or partially separated from employment on or after November 11, 2007 through December 11, 2010, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed at Washington, DC, this 10th day of February 2009

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–3731 Filed 2–20–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,331]

Suez Energy Bio-Power, a Subsidiary of GDF Suez Energy North America, Formerly Known as Tractebel Power, Inc., Forest City, NC; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on December 16, 2008, applicable to workers of Suez Energy Bio-Power, a subsidiary of GDF Suez Energy North America, Forest City, North Carolina. The Department's Notice of determination was published in the **Federal Register** on January 14, 2009 (74 FR 2136).

At the request of a firm official, the Department reviewed the certification for workers of the subject firm. Subject form workers provided steam used in the production of knit fabrics by Hanesbrands, Inc., Forest City, North Carolina, a firm with a currently TAA-certified worker group.

New information shows that some of the workers' wages are being reported under the State of North Carolina Unemployment Insurance (UI) tax accounts for Tractebel Power, Inc.

Accordingly, the Department is amending this certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by increased imports of articles like or directly competitive with the knit fabric produced by Hanesbrands, Inc., Forest City, North Carolina.

The amended notice applicable to TA–W–64,331 is hereby issued as follows:

''All workers of Suez Energy Bio-Power, a subsidiary of GDF Suez Energy North America, formerly known as Tractebel Power, Inc., Forest City, North Carolina, who became totally or partially separated from employment on or after October 30, 2007, through December 16, 2010, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed at Washington, DC, this 10th day of February 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–3723 Filed 2–20–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,102]

Wellman, Inc. Palmetto Plant Also Known as Fiber Industries, Inc. Including On-Site Leased Workers From CMS Labor Services Darlington, SC; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on November 14, 2008, applicable to workers of Wellman, Inc., Palmetto Plant, including on-site leased workers from CMS Labor Services, Darlington, South Carolina. The Department's Notice of determination was published in the **Federal Register** on December 1, 2008 (73 FR 72847).

At the request of a subject firm official, the Department reviewed the certification for workers of the subject firm. Workers produce polyester finer and resin, and are not separately identifiable by article produced.

New information shows that some of the workers' wages are being reported under the State of South Carolina Unemployment Insurance (UI) tax accounts for Fiber Industries, Inc.

Accordingly, the Department is amending this certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Wellman, Inc., Palmetto Plant, also known as Fiber Industries, Inc., including on-site leased workers from CMS Labor Services, Darlington, South Carolina, who were adversely affected by increased imports of polyester fiber and resin.

The amended notice applicable to TA–W–64,102 is hereby issued as follows:

''All workers of Wellman, Inc., Palmetto Plant, also known as Fiber Industries, Inc., including on-site leased workers from CMS Labor Services, Darlington, South Carolina, who became totally or partially separated from employment on or after May 4, 2008, through November 14, 2010, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed at Washington, DC, this 9th day of February 2009

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–3729 Filed 2–20–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,019]

Whittier Wood Products Company Including On-Site Leased Workers From Employers Overload, Oregon Temporary Services and Selectemp Corporation Eugene, OR; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on October 2, 2008, applicable to workers of Whittier Wood Products Company, Eugene, Oregon. The Department's Notice of determination was published in the **Federal Register** on October 20, 2008 (73 FR 62322).

At the request of a firm official, the Department reviewed the certification for workers of the subject firm. Subject firm workers produce wood household furniture and are not separately identifiable by product line.

New information shows that workers leased from Employers Overload, Oregon Temporary Services, and Selectemp Corporation were working on-site at the Eugene, Oregon location of the subject firm. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to leased workers of Employers Overload, Oregon Temporary Services, and Selectemp Corporation working on-site at the Eugene, Oregon location of the subject firm.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by a shift of production to a foreign country followed by increased imports of articles like or directly competitive with the wood household furniture produced by the subject firm.

The amended notice applicable to TA–W–64,019 is hereby issued as follows:

''All workers of Whittier Wood Products Company, Eugene, Oregon, including on-site leased workers from Employers Overload, Oregon Temporary Services, and Selectemp Corporation, who became totally or partially separated from employment on or after September 9, 2007, through October 2, 2010, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed at Washington, DC, this 9th day of February 2009

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–3728 Filed 2–20–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–63,459]

Wolverine World Wide, Inc., Formerly Known as Chaco, Inc., Paonia, CO; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on June 18, 2008, applicable to workers of Chaco, Inc., Paonia, Colorado. The Department's notice of determination was published in the **Federal Register** on July 14, 2008 (73 FR 40388).

At the request of a Chaco, Inc. official, the Department reviewed the certification for workers of the subject firm. The workers produced headwater sandals.

New information shows that in January 2009, Wolverine World Wide, Inc. purchased Chaco, Inc. and that some of the workers wages are being reported under the State of Colorado Unemployment Insurance tax accounts for Wolverine World Wide, Inc.

Accordingly, the Department is amending this certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Wolverine World Wide, Inc., formerly known as Chaco, Inc., who were adversely affected by increased imports of articles like or directly competitive with headwater sandals produced by the subject firm.

The amended notice applicable to TA–W–63,459 is hereby issued as follows:

All workers of Wolverine World Wide, Inc., formerly known as Chaco, Inc., Paonia, Colorado, who became totally or partially separated from employment on or after May 31, 2007, through June 18, 2010, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 4th day of February 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–3727 Filed 2–20–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of an Extended Benefit (EB) Period for Oregon.

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces a change in benefit period eligibility under the EB Program for Oregon.

The following change has occurred since the publication of the last notice regarding the State's EB status:

• Based on data reported by the Bureau of Labor Statistics on January 27, 2009, Oregon's 3-month seasonally adjusted total unemployment rate rose to 8.1 percent, exceeding the 8 percent threshold. This causes the State to be triggered ''on'' to a high unemployment period (HUP) in the EB program period beginning February 15, 2009.

Information for Claimants

The duration of benefits payable in the EB Program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the states by the U.S. Department of Labor. In the case of a state beginning a HUP period, the State Workforce Agency will furnish a written notice of potential entitlement to each individual who may be eligible for increased benefits due to the HUP (20 CFR 615.13(c)(1)). Persons who wish to inquire about their rights under the program, should contact their state workforce agency.

FOR FURTHER INFORMATION CONTACT: Scott Gibbons, U.S. Department of Labor, Employment and Training Administration, Office of Workforce Security, 200 Constitution Avenue NW., Frances Perkins Bldg., Room S–4231, Washington, DC 20210, telephone number (202) 693–3008 (this is not a toll-free number) or by email: *gibbons.scott@dol.gov.*

Signed in Washington, DC, this 13th day of February 2009.

Douglas F. Small,

Deputy Assistant Secretary, Employment and Training Administration.

[FR Doc. E9–3785 Filed 2–20–09; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of an Extended Benefit (EB) Period for Connecticut

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces a change in benefit period eligibility under the EB Program for Connecticut.

The following change has occurred since the publication of the last notice regarding the State's EB status:

• Based on data reported by the Bureau of Labor Statistics on January 27, 2009, Connecticut's 3-month seasonally adjusted total unemployment rate was 6.8 percent and equals or exceeds 110 percent of the corresponding rate in both prior years. This causes Connecticut to be triggered ''on'' to an EB period beginning February 15, 2009.

Information for Claimants

The duration of benefits payable in the EB Program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the states by the U.S. Department of Labor. In the case of a state beginning an EB period, the State Workforce Agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EB (20 CFR 615.13 (c) (1)).

Persons who believe they may be entitled to EB, or who wish to inquire about their rights under the program, should contact their State Workforce Agency.

FOR FURTHER INFORMATION CONTACT: Scott Gibbons, U.S. Department of Labor, Employment and Training Administration, Office of Workforce Security, 200 Constitution Avenue, NW., Frances Perkins Bldg., Room S–4231, Washington, DC 20210, telephone number (202) 693–3008 (this is not a toll-free number) or by e-mail: *gibbons.scott@dol.gov.*

Signed in Washington, DC, this 13th day of February 2009.

Douglas F. Small,

Deputy Assistant Secretary, Employment and Training Administration.

[FR Doc. E9–3784 Filed 2–20–09; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of an Extended Benefit (EB) Period for Idaho

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces a change in benefit period eligibility under the EB Program for Idaho.

The following change has occurred since the publication of the last notice regarding the State's EB status:

• Idaho's 13-week insured unemployment rate (IUR) for the week ending January 24, 2009, rose to 5.10 percent and exceeds 120 percent of the corresponding average rate in the two prior years. Therefore, beginning the week of February 08, 2009, eligible unemployed workers will be able to collect up to an additional 13 weeks of UI benefits.

Information for Claimants

The duration of benefits payable in the EB Program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the states by the U.S. Department of Labor. In the case of a state beginning an EB period, the State Workforce Agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EB (20 CFR 615.13(c)(1)).

Persons who believe they may be entitled to EB, or who wish to inquire about their rights under the program, should contact their State Workforce Agency.

FOR FURTHER INFORMATION CONTACT: Scott Gibbons, U.S. Department of Labor, Employment and Training Administration, Office of Workforce

Security, 200 Constitution Avenue, NW., Frances Perkins Bldg., Room S–4231, Washington, DC 20210, telephone number (202) 693–3008 (this is not a toll-free number) or by e-mail: *gibbons.scott@dol.gov.*

Signed in Washington, DC, this 13th day of February 2009.

Douglas F. Small,

Deputy Assistant Secretary, Employment and Training Administration.

[FR Doc. E9–3783 Filed 2–20–09; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of January 26 through January 30, 2009.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles is a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W–64,691; Bauhaus USA, Inc., La-Z-Boy, Inc., Sherman, MS: November 15, 2008

TA–W–64,731; Chrysler, LLC, Mount Elliott Tool and Die, Detroit, MI: December 16, 2007

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) of the Trade Act have been met.

None

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

None

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) of the Trade Act have been met.

None

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–64,502; Ashley Furniture Industries, Upholstery Division, Ecru, MS: November 12, 2007

TA–W–64,634; Vaughan-Bassett Furniture Company, Elkin, NC: December 9, 2007
TA–W–64,649; Brown Jordan Company, El Monte, CA: December 3, 2007
TA–W–64,752; Pearson Company, HDM Furniture Industries, High Point, NC: December 19, 2007
TA–W–64,762; Syracuse Gauge Company, A Division of Tomkins Industries and Automotive, Syracuse, NY: December 22, 2007
TA–W–64,776; Maitland Smith Furniture Industries, HDM Furniture Industries, High Point, NC: December 23, 2007
TA–W–64,862; Cintas Corporation, Mason Cutting Center, Mason, OH: January 9, 2008
TA–W–64,867; Sherrill Furniture, Hickory White Furniture Division, Hickory, NC: January 12, 2008
TA–W–64,895; II VI, Incorporated, Infrared Optics Saxonburg Division, Saxonburg, PA: January 9, 2008
TA–W–64,969; The Vollrath Company, LLC, Windway Capital Corporation, Sheboygan, WI: January 21, 2008
TA–W–64,738; Flextronics, Flextronics International, LTD, Vista Point Technologies Division, Westwood, MA: December 8, 2007
TA–W–64,330; Triangle Suspension Systems, Inc., Marmon Highway Technologies, DuBois, PA: October 23, 2007
TA–W–64,449; Whirlpool Corporation, Jackson Dishwashing Products Division, Jackson, TN: November 14, 2007
TA–W–64,585; International Paper, Louisiana Mill Division, Bastrop, LA: December 1, 2007
TA–W–64,590; Bulova Technologies, LLC, Lancaster, PA: December 3, 2007
TA–W–64,616; Steelscape, Bluescope Steel, Kalama, WA: December 3, 2007
TA–W–64,706; Timber Products Company, White City Plywood Division, White City, OR: December 5, 2007
TA–W–64,980; National Wood Products of Maine, Inc., Oxford, ME: January 22, 2008
TA–W–64,724; Pac Sci Motion Control, Inc., Low Inertia Motors, Danaher Motion Division, Rockford, IL: December 17, 2007
TA–W–64,729; Forster Textile Mills, Inc., Maxton, NC: December 17, 2007
TA–W–64,848; Ozark Mountain Apparel, Monett, MO: January 8, 2008
TA–W–64,849; Ozark Mountain Apparel, Purdy, MO: January 8, 2008

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–64,747; Fasco Motors, A Division of RBC Horizon, Eldon, MO: December 17, 2007
TA–W–64,763; Andrew, LLC, Connector and Cable Assembly Departments, Joliet, IL: December 22, 2007
TA–W–64,780; Bayer Clothing Group, Inc., Clearfield, PA: December 24, 2007
TA– W–64,784; Kenworth Truck Company, Paccar, Inc., Cab Build, Trim, Paint, Material Handling, Quality Assurance, Renton, WA: December 18, 2007
TA–W–64,789; Bemis Manufacturing Company, Kelch Division, Menomonee Falls, WI: December 29, 2007
TA–W–64,804; HR Solutions, LLC, Affiliated Computer Services, Norcross, GA: December 30, 2007
TA–W–64,814; PPM Technologies, Inc., Newberg, OR: December 30, 2007
TA–W–64,833; Carrier Corporation, RLCS Division, Tyler, TX: January 7, 2008
TA–W–64,834; RBC Manufacturing Corporation, Regal Beloit Corporation, West Plains, MO: January 5, 2008
TA–W–64,853; Ethan Allen Operations, Inc., Eldred, PA: January 9, 2008
TA–W–64,861; U.S. Marine, Components Wire Shop Division, Arlington, WA: January 8, 2008
TA–W–64,865; Star Building Systems, NCI Group, Inc., Lockeford, CA: January 9, 2008
TA–W–64,892; Superior Industries International, Inc., Corporate Division, Van Nuys, CA: January 13, 2008
TA–W–64,903; Foamex International, Inc., Santa Teresa, NM: January 9, 2008
TA–W–64,910; Avery Dennison Corporation, Information and Brand Management Systems Division, Greensboro, NC: January 14, 2008
TA–W–64,917; Trans-Tech, Inc., Skyworks Solution, Inc., Adamstown, MD: January 6, 2008
TA–W–65,019; Delphi Corporation, Corporate Headquarters, Troy, MI: January 27, 2008
TA–W–64,753; The Michaels Furniture Company, A Division of Restoration Hardware, Sacramento, CA: December 19, 2007
TA–W–64,767; Garrity Industries, Inc., Ashaway, RI: December 19, 2007
TA–W–64,768; HDM Henredon Morganton Operations, HDM Furniture Industries, Morganton, NC: December 22, 2007
TA–W–64,794; Standard Textiles, Thomaston, GA: December 30, 2007
TA–W–64,836; Caps Group Acquisition, LLC, Black DOT Group, Winter Park, FL: January 7, 2008
TA–W–64,907; Domino Lasers, Inc., Domino Printing Sciences, Anaheim, CA: January 14, 2008

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–64,136; Magna Powertrain, Inc., Sterling Heights, MI: September 8, 2007
TA–W–64,376; Johnson Controls, Inc., Automotive Experience Division, Suwanee, GA: November 5, 2007
TA–W–64,509; Intertec Systems, LLC, Bardstown, KY: November 10, 2007
TA–W–64,680; Alex Products, Inc., Paulding, OH: December 12, 2007
TA–W–64,764; Intalco Aluminum Corporation, Global Primary Products, U.S. Division, Alcoa, Inc., Ferndale, WA: December 15, 2007
TA–W–64,824; IACNA, Lebanon, VA: December 29, 2008
TA–W–64,863; TRW Automotive, Electronic Division, Auburn, NY: January 8, 2008
TA–W–64,899; Contact Technologies, Inc., St. Marys, PA: January 13, 2008

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

None

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

The Department has determined that criterion (1) of Section 246 has not been met. The firm does not have a significant number of workers 50 years of age or older.

TA–W–64,691; Bauhaus USA, Inc., La-Z-Boy, Inc., Sherman, MS
TA–W–64,731; Chrysler, LLC, Mount Elliott Tool and Die, Detroit, MI

The Department has determined that criterion (2) of Section 246 has not been met. Workers at the firm possess skills that are easily transferable.

None

The Department has determined that criterion (3) of Section 246 has not been met. Competition conditions within the workers' industry are not adverse.

None

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

TA–W–64,712; Claymore Electronics, Lawrenceville, GA

TA–W–64,724A; Pac Sci Motion Control, Inc., Pac Sci Motor 3, Danaher Motion Division, Rockford, IL

TA–W–64,819; Teck-Washington, Inc., Pend Oreille Mine, Teck-American, Inc., Metaline Falls, WA

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

TA–W–64,769; True Temper Sports, Amory, MS

TA–W–64,874; Greenwell Chisholm Printing, Inc., Owensboro, KY

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

TA–W–64,281; International Paper, Container The Americas Division, Warren, MI

TA–W–64,624; Shaw Industries Group, Fibers Division, Anderson, SC

TA–W–64,630; Dexter Axle, Tomkins Industries, North Manchester, IN

TA–W–64,671; Ermico Enterprises, Inc., San Francisco, CA

TA–W–64,672; Alcan Packaging, Glass Tubing—Syracuse Division, Syracuse, NE

TA–W–64,709; SAFAS Corporation, GCP Division, New Castle, PA

TA–W–64,796; Tracy Evans Ltd, New York, NY

TA–W–64,431; Alyeska Pipeline Service Company, Anchorage, AK

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–64,937; Kellwood Company, Rutherford, TN

TA–W–64,788; Regal Manufacturing Co., Inc., Hickory, NC

TA–W–64,850; NCO Financial Systems, Horsham, PA

The investigation revealed that criteria of Section 222(b)(2) has not been met. The workers' firm (or subdivision) is not a supplier to or a downstream producer for a firm whose workers were certified eligible to apply for TAA.

None

I hereby certify that the aforementioned determinations were issued during the period of January 26 through January 30, 2009. Copies of these determinations are available for inspection in Room N–5428, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: February 12, 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–3725 Filed 2–20–09; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than March 5, 2009.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than March 5, 2009.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 13th day of February 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

APPENDIX—TAA PETITIONS INSTITUTED BETWEEN 1/26/09 AND 1/30/09

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
64984	Gulistan Carpet (Comp)	Turnersburg, NC	01/26/09	01/23/09
64985	JCIM, LLC (UAW)	Wauseon, OH	01/26/09	01/22/09
64986	Dana Corporation (Wkrs)	Owensboro, KY	01/26/09	01/15/09
64987	Veyance Technologies, Inc. (State)	Lincoln, NE	01/26/09	01/23/09
64988	Source Northwest, Inc. (Comp)	Woodinville, WA	01/26/09	01/22/09
64989	Carter Furniture of Salisbury (Comp)	Salisbury, NC	01/26/09	01/15/09
64990	LexisNexis (Wkrs)	Colorado Springs, CO	01/26/09	01/22/09

APPENDIX—TAA PETITIONS INSTITUTED BETWEEN 1/26/09 AND 1/30/09—Continued

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
64991	Genie Industries, Inc. (Wkrs)	Redmond, WA	01/26/09	01/23/09
64992	AK Steel (Wkrs)	Butler, PA	01/26/09	01/23/09
64993	TTM Technologies (Comp)	Redmond, WA	01/26/09	01/23/09
64994	Clear Lake Lumber, Inc. (Wkrs)	Spartansburg, PA	01/26/09	01/23/09
64995	Alleghany Warehouse Company (Comp)	Richmond, VA	01/26/09	01/23/09
64996	Rebco, Inc. (Comp)	Kersey, PA	01/26/09	01/22/09
64997	Los Angeles Times Communications (Wkrs)	Los Angeles, CA	01/26/09	01/23/09
64998	Oce Business Services (Wkrs)	Bountiful, UT	01/26/09	01/21/09
64999	Twin Hills, Inc. (Wkrs)	Hickory, KY	01/26/09	01/23/09
65000	ConMed Electrosurgery (Comp)	El Paso, TX	01/27/09	12/29/08
65001	Brunswick Corporation/US Marine (Comp)	Navassa, NC	01/27/09	01/27/09
65002	Gerald Keller Logging (State)	Eureka, MT	01/27/09	01/15/09
65003	Neptco (Comp)	Lenoir, NC	01/27/09	01/16/09
65004	PMB, Inc. (Comp)	Poplar Bluff, MO	01/27/09	01/26/09
65005	Seagate (Comp)	Shrewsbury, MA	01/27/09	01/14/09
65006	Warren Corporation (State)	Stafford Springs, CT	01/27/09	01/26/09
65007	Herringbone Shirt Manufacturing Co., LLC (Comp)	Fall River, MA	01/27/09	01/26/09
65008	Modern Industries, Inc. (Comp)	Erie, PA	01/27/09	01/26/09
65009	Lin Creech Sample (State)	Thomasville, NC	01/29/09	01/15/09
65010	North American Communications (Wkrs)	Duncansville, PA	01/29/09	01/14/09
65011	Chase Auto Finance Corporation (Wkrs)	Garden City, NY	01/29/09	01/27/09
65012	Mothers Work, Inc./Destination Maternity (Wkrs)	Philadelphia, PA	01/29/09	01/21/09
65013	Axcelis Technologies (Wkrs)	Portland, OR	01/29/09	01/21/09
65014	Ralphs Frame Works, Inc. (State)	High Point, NC	01/29/09	01/26/09
65015	Julie Hat Company, Inc. (Comp)	Patterson, GA	01/29/09	01/21/09
65016	M. J. Soffe, LLC (Comp)	Fayetteville, NC	01/29/09	01/28/09
65017	Bianchi International (Wkrs)	Temecula, CA	01/29/09	01/07/09
65018	National Vaccum Equipment (State)	Traverse City, MI	01/29/09	01/23/09
65019	Delphi Corporation (Comp)	Troy, MI	01/29/09	01/27/09
65020	Flash Electronic/Astee Flash (State)	Fremont, CA	01/29/09	01/28/09
65021	Ecolab (State)	St. Paul, MN	01/29/09	01/27/09
65022	HS Spring of Ohio (Wkrs)	Jefferson, OH	01/29/09	01/27/09
65023	Silberline Manufacturing Company, Inc. (Comp)	Tamaqua, PA	01/29/09	01/27/09
65024	Printronix (Comp)	Irvine, CA	01/29/09	01/27/09
65025	A. O. Smith Corporation (Comp)	Mebane, NC	01/29/09	01/09/09
65026	ADO Corporation (State)	Spartanburg, SC	01/29/09	01/26/09
65027	Davis-Standard LLC (State)	Pawcatuck, CT	01/29/09	01/27/09
65028	Team Industries, Inc. (State)	Detroit Lakes, MN	01/29/09	01/28/09
65029	Comau Automation (Union)	Novi, MI	01/29/09	01/15/09
65030	Circuit Science (State)	Plymouth, MN	01/29/09	01/28/09
65031	King Choice (UNITE)	New York, NY	01/29/09	01/14/09
65032	Prior Coated Metals (USW)	Allentown, PA	01/29/09	01/13/09
65033	Worthington Steel (Comp)	Louisville, KY	01/29/09	01/29/09
65034	ArcelorMittal Lackawanna, LLC (Comp)	Blasdell, NY	01/29/09	01/22/09
65035	Align Technology (Comp)	Santa Clara, CA	01/29/09	01/27/09
65036	Oviso Manufacturing (94520)	Concord, CA	01/29/09	01/26/09
65037	Chrysler Warren Truck Plant (Comp)	Warren, MI	01/29/09	01/21/09
65038	Koch Originals (Wkrs)	Evansville, IN	01/29/09	01/16/09
65039	Elcoteq, Inc. (Wkrs)	Richardson, TX	01/30/09	01/29/09
65040	New N&W Sewing Company (Wkrs)	San Francisco, CA	01/30/09	01/16/09
65041	Alcatel-Lucent/Carrier-Multicore/Classic (SSG group) (Wkrs)	Plano, TX	01/30/09	01/26/09
65042	Craftwood, Inc. (Wkrs)	High Point, NC	01/30/09	01/29/09
65043	Daramic, LLC (IBB)	Owensboro, KY	01/30/09	01/09/09
65044	Pittsburg Glass Works #23 (PGW) (Wkrs)	Evart, MI	01/30/09	01/15/09
65045	Parkdale America, LLC—Plant #10 (Comp)	Gastonia, NC	01/30/09	01/26/09
65046	Detroit Diesel Remanufacturing East (Comp)	Byesville, OH	01/30/09	01/29/09
65047	Gehl Company (State)	West Bend, WI	01/30/09	01/28/09
65048	United Machine Works, Inc. (Comp)	Greenville, NC	01/30/09	01/16/09
65049	Entegris Corporation (State)	Chaska, MN	01/30/09	01/29/09
65050	Ball Corporation (Wkrs)	Kansas City, MO	01/30/09	01/13/09
65051	Tyco Electronics (Wkrs)	Carlisle, PA	01/30/09	01/29/09
65052	General Motors Assembly Center (Union)	Wentzville, MO	01/30/09	01/29/09
65053	Tenneco, Inc. (Wkrs)	Hartwell, GA	01/30/09	01/29/09
65054	GE Security Supply Chain Tualatin (Comp)	Tualatin, OR	01/30/09	01/29/09
	National Copper Products, Inc. (UAW)	Dowagiac, MI	01/30/09	01/27/09

[FR Doc. E9–3724 Filed 2–20–09; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,693]

Avid Industries, Inc. Argyle, MI; Notice of Negative Determination Regarding Application for Reconsideration

By application dated January 23, 2009, a company official requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on January 6, 2009 and published in the **Federal Register** on February 2, 2009 (74 FR 5871).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The negative TAA determination issued by the Department for workers of Avid Industries, Inc., Argyle, Michigan was based on the finding that the subject firm did not separate or threaten to separate a significant number or proportion of workers as required by Section 222 of the Trade Act of 1974.

In the request for reconsideration, the petitioner stated that the subject firm contracted a worker in December 2006 and December 2007 to perform unidentified tasks for the company. The petitioner seems to allege that because this ''Contract Worker'' performed some tasks for the subject firm, he should be considered as employees of the subject firm and, therefore, eligible for Trade Adjustment Assistance.

To determine whether the contracting worker was an employee of the subject firm, on-site leased worker, or a worker under the control of the subject firm and whether there was a significant proportion of workers separated or threatened with separations at the subject company during the relevant period, the Department contacted the subject firm's company official and requested employment figures for the relevant employment data (for one year prior to the date of the petition and any imminent layoffs).

The company official stated that this independent contractor was not an employee of Avid Industries, Inc., Argyle, Michigan, he was not a leased worker employed on-site of the subject firm, and there was no written contract between this worker and the subject firm.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 4th day of February 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–3733 Filed 2–20–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,272]

The Nielsen Company (US), LLC, Fond Du Lac, WI; Notice of Negative Determination Regarding Application for Reconsideration

By application dated January 3, 2009, the petitioners requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA), applicable to workers and former workers of the subject firm. The denial notice was signed on November 21, 2008 and published in the **Federal Register** on December 10, 2008 (73 FR 75136).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The negative TAA determination issued by the Department for workers of the Nielsen Company (US), LLC, Fond Du Lac, Wisconsin was based on the finding that the worker group does not produce an article within the meaning of Section 222 of the Trade Act of 1974. The investigation revealed that workers of the subject firm compile databases derived from marketing surveys. The investigation further revealed that no production of article(s) occurred within the firm or appropriate subdivision during the relevant period.

The petitioner in the request for reconsideration contends that the Department erred in its interpretation of the work performed by the workers of the subject firm. The petitioner states that the workers of the subject firm ''produce databases that are bought and paid for on a weekly basis''. The petitioner also indicates that even though they performed ''computer jobs'', these ''technical jobs'' should be considered as production jobs.

The investigation revealed that the Nielsen Company is the marketing research organization that provides marketing research services to various manufacturers of consumer products or large retailers. No articles are produced within Nielsen Company. The workers of the Nielsen Company (US), LLC, Fond Du Lac, Wisconsin receive raw scanner data from the retailers, analyze the data and compile the information into the databases, which are used by clients on a syndicated basis so they can monitor how their products are being purchased in comparison to competing products in the marketplace. The workers of the subject firm support marketing research service functions of the Nielsen Company.

These functions, as described above, are not considered production of an article within the meaning of Section 222 of the Trade Act. While the provision of services may result in printed material or can be stored electronically, it is incidental to the provision of these services. Databases created by workers of the subject firm are used by the Nielsen Company as incidental to marketing research services provided by the subject firm. No production took place at the subject facility nor did the workers support production of an article at any domestic affiliated location during the relevant period.

The petitioner also alleges that job functions have been shifted from the subject firm overseas.

The company official confirmed that Product Reference coding functions

were shifted to India. The allegation of a shift to another country might be relevant if it was determined that workers of the subject firm produced an article. However, the investigation determined that workers of Nielsen Company (US), LLC, Fond Du Lac, Wisconsin do not produce an article within the meaning of Section 222 of the Trade Act of 1974. Therefore, there are no imports of articles which negatively impacted workers of the subject firm.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 4th day of February 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–3730 Filed 2–20–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,466]

Mt. Pleasant Hosiery Mills, Inc. Mt. Pleasant, NC; Notice of Revised Determination on Reconsideration of Alternative Trade Adjustment Assistance

By letter dated January 28, 2009, a company official requested administrative reconsideration regarding Alternative Trade Adjustment Assistance (ATAA) applicable to workers of the subject firm. The negative determination was signed on December 16, 2008, and published in the **Federal Register** on January 14, 2009 (74 FR 2137).

The workers of Mt. Pleasant Hosiery Mills, Inc., Mt. Pleasant, North Carolina were certified eligible to apply for Trade Adjustment Assistance (TAA) on December 16, 2008.

The initial ATAA investigation determined that there was not a significant number of workers in the workers' firm that are 50 years of age or older.

In the request for reconsideration, the company official submitted revised employment numbers which show that a significant number or proportion of the worker group of the subject firm are fifty years of age or older.

Additional investigation has determined that the workers possess skills that are not easily transferable. A significant number or proportion of the worker group are age fifty years or over. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that the requirements of Section 246 of the Trade Act of 1974, as amended, have been met for workers at the subject firm.

In accordance with the provisions of the Act, I make the following certification:

All workers of Mt. Pleasant Hosiery Mills, Inc., Mt. Pleasant, North Carolina, who became totally or partially separated from employment on or after November 12, 2007 through December 16, 2010, are eligible to apply for trade adjustment assistance under Section 223 of the Trade Act of 1974 and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, DC this 11th day of February, 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–3732 Filed 2–20–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,869]

Alexvale Furniture/Kincaid Furniture Company, Taylorsville, NC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 13, 2009, in response to a petition filed by a company official on behalf of workers of Alexvale Furniture/Kincaid Furniture Company, Taylorsville, North Carolina.

The petitioning group of workers is covered by an active certification (TA–W–63,744) which expires on September 5, 2010. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 9th day of February 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–3734 Filed 2–20–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,891]

American Pacific, Grove City, OH; Notice of Termination of Investigation

In accordance with Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 14, 2009 in response to a petition filed on behalf of workers of American Pacific, Grove City, Ohio.

The petitioning group of workers is covered by an active certification (TA–W–64,093, as amended) which expires on October 20, 2010. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 13th day of February, 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–3735 Filed 2–20–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,166]

Bradington-Young of Hickory, Hickory, NC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 9, 2009 in response to a petition filed on behalf of workers of Bradington-Young of Hickory, Hickory, North Carolina.

The petition is a photocopy of an earlier petition (TA–W–65,147), filed on February 6, 2009, that is the subject of an ongoing investigation for which a determination has not yet been issued. Further investigation in this case would duplicate efforts and serve no purpose. Therefore, the investigation under this petition has been terminated.

Signed at Washington, DC, this 12th day of February, 2009.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–3738 Filed 2–20–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,121]

Custom Screens, Inc., Madison, NC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 4, 2009 in response to a worker petition filed by a company official on behalf of workers of Custom Screens, Inc., Madison, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 9th day of February 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–3737 Filed 2–20–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–64,925]

Dana Heavy Vehicles System Group, Heavy Vehicle Division, Glasgow, KY; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 22, 2009 in response to a worker petition filed on behalf of workers at Dana Heavy Vehicles System Group, Heavy Vehicle Division, Glasgow, Kentucky.

The petitioning group of workers is covered by an active certification Dana Holding Corporation, Heavy Vehicle Division, Glasgow, Kentucky (TA–W–63,305) which expires on May 30, 2010. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 6th day of February 2009.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–3736 Filed 2–20–09; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–65,213]

Texon USA, Inc.; Russell, MA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 12, 2009 in response to a petition filed by a company official on behalf of the workers at Texon USA, Inc., Russell, Massachusetts.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 13th day of February 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–3722 Filed 2–20–09; 8:45 am]

BILLING CODE 4510–FN–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act; Notice of Agency Meeting

TIME AND DATE: 10 a.m., Thursday, February 26, 2009.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed Rule—Section 701.6 of NCUA's Rules and Regulations, Operating Fee Calculation.
2. Final Rule—Section 740.4 of NCUA's Rules and Regulations, Requirements for the Official Sign.
3. Insurance Fund Report.

RECESS: 11 a.m.

TIME AND DATE: 11:15 a.m., Thursday, February 26, 2009.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Action under Section 208 of the Federal Credit Union Act. Closed pursuant to Exemptions (8), (9)(A)(ii), and (9)(B).
2. Consideration of Supervisory Activities (2). Closed pursuant to Exemptions (8) and (9)(A)(ii).
3. Personnel (2). Closed Pursuant to Exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT: Mary Rupp, Secretary of the Board, Telephone: 703–518–6304.

Mary Rupp,

Board Secretary.

[FR Doc. E9–3943 Filed 2–19–09; 4:15 pm]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–06869; NRC–2009–0069]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Unitech Services Group, Honolulu, HI

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

FOR FURTHER INFORMATION CONTACT: Jack E. Whitten, Chief, Nuclear Materials Safety Branch B, Division of Nuclear Materials Safety, Region IV, U.S. Nuclear Regulatory Commission, 612 E Lamar Blvd, Arlington, Texas 76011.*Telephone:* (817) 860–8197; *fax number:* (817) 860–8188; *e-mail: jack.whitten@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Material License No. 53–13668–01, issued to Unitech Services Group (the licensee), to authorize the release of its former nuclear laundry facility at 3050 Ualena Street, Suite C, in Honolulu, Hawaii, and to terminate the license. NRC has prepared an Environmental Assessment (EA) in support of this amendment in accordance with the requirements of 10 CFR Part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. The amendment will be issued following the publication of this Notice.

II. EA Summary

The purpose of the proposed amendment is to authorize the release of the licensee's facility located in Honolulu, Hawaii. Specifically, the NRC plans to approve the licensee's request

to release the facility for unrestricted use and to terminate the license. On September 4, 2008, Unitech Services Group requested that NRC approve the proposed amendment. The staff has prepared this EA in support of the proposed license amendment.

Docket file records indicate that the licensee conducted nuclear laundry operations at the Ualena Street location from 1974–2007. In a letter to the NRC dated August 16, 2007, the licensee stated that it had permanently ceased operations at this site. The primary radionuclide of concern was cobalt-60. Other radionuclides of concern included nickel-63, manganese-54, cobalt-58, iron-55, and zinc-65. The NRC staff determined that a decommissioning plan was not required because decommissioning instructions were provided in the license application. The licensee commenced with decommissioning during October 2007 and completed decommissioning during September 2008. The NRC conducted two inspections during the decommissioning process. During the inspections, the NRC staff observed that the licensee was conducting decommissioning in accordance with license requirements. The licensee submitted a final status survey report to the NRC by letter dated September 4, 2008. The licensee's final status survey results, in conjunction with the NRC's confirmatory survey results, demonstrated that the licensee had effectively remediated the site in accordance with regulatory guidance documents. Because the site had been effectively remediated in accordance with NRC guidance and license requirements, the NRC staff has concluded that the facility meets the criteria of 10 CFR Part 20, Subpart E, for unrestricted release and for termination of the license.

The Hawaii State Department of Health was consulted about this EA, and the State had no comments on the EA or the proposed action.

III. Finding of No Significant Impact

On the basis of the EA, NRC has concluded that there are no significant environmental impacts from the proposed amendment and has determined not to prepare an environmental impact statement.

IV. Further Information

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are:

1. NRC, ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities,'' NUREG–1496, July 1997 (ML042310492, ML042320379, and ML042330385);

2. NRC, ''Consolidated NMSS Decommissioning Guidance,'' NUREG–1757, Volume 1, Revision 2, September 2006 (ML063000243);

3. NRC, ''Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM),'' NUREG–1575, Revision 1, August 2000 (ML003761445, ML003761454);

4. Title 10 Code of Federal Regulations, Part 20, Subpart E, ''Radiological Criteria for License Termination;''

5. Title 10, Code of Federal Regulations, Part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;''

6. Unitech Services Group, ''Notice of Decommissioning Activities Pursuant to Title 10 Code of Federal Regulations (CFR) 30.36(d) and License Amendment Request,'' August 16, 2007 (ML072400267);

7. Unitech Services Group, ''Reply to NRC Letter Dated August 30, 2007,'' October 2, 2007 (ML072841267);

8. Unitech Services Group, ''Certificate of Disposition of Materials,'' August 5, 2008, (ML082310743);

9. Unitech Services Group, ''Final Status Survey Report,'' September 4, 2008 (ML082600080); and

10. State of Hawaii Response, January 20, 2009 (ML090220588).

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.*

These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (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 Arlington, Texas this 11th day of February 2009.

For the Nuclear Regulatory Commission.

Jack E. Whitten,

Chief, Nuclear Materials Safety Branch B Division of Nuclear Materials Safety Region IV.

[FR Doc. E9–3768 Filed 2–20–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–143; NRC–2008–0525]

Notice of the Nuclear Regulatory Commission Consent to Indirect Transfer of Control and Issuance of License Amendment to Effectuate Such Transfer for Nuclear Fuel Services, Inc., Erwin, TN

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of approval of indirect transfer of control and issuance of License Amendment to effectuate such transfer.

FOR FURTHER INFORMATION CONTACT: Kevin Ramsey, Project Manager, Fuel Manufacturing Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301–492–3123; fax number: 301–492–3363; e-mail: *Kevin.Ramsey@nrc.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 10 CFR 2.106, the U.S. Nuclear Regulatory Commission (NRC) is providing notice of NRC consent to the indirect transfer of control and issuance of License Amendment 85 to Material License No. SNM–124. This action authorized the indirect transfer of control over licensed activities from NFS Services, LLC, to NOG-Erwin Holdings, Inc. NRC's receipt of the request to take this licensing action was previously noticed in the **Federal Register** on September 19, 2008 (73 FR 54437–54439), with a notice of an opportunity to request a hearing. No requests for a hearing were received.

By Order dated December 23, 2008, NRC approved the proposed indirect transfer. The order was accompanied by a Safety Evaluation Report (SER) documenting the basis for the NRC staff's approval. The transfer took place on December 31, 2008, on which date License Amendment 85 was issued. These actions comply with the standards and requirements of the Atomic Energy Act of 1954, as amended, and NRC's rules and regulations as set forth in 10 CFR Chapter 1.

Further Information

In accordance with 10 CFR 2.390 of the NRC's ''Rules of Practice,'' the details with respect to this action, including the SER and accompanying documentation, and license amendment request, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are:

1. NRC Order dated December. 23, 2008—ML083500508.
2. Amendment 85 to SNM–124: dated December. 31, 2008—ML083530117.

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 via e-mail to *pdr@nrc.gov.*

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 9th day of February, 2009.

For the Nuclear Regulatory Commission.

Kevin M. Ramsey,

Project Manager, Fuel Manufacturing Branch, Division of Fuel Cycle Safety and Safeguards, Offfice of Nuclear Material Safety and Safeguards.

[FR Doc. E9–3752 Filed 2–20–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[DOCKET NO. 030–32959; NRC–2009–0059]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact For License Amendment to Byproduct Materials License No. 09–10672–03 for Unrestricted Release of the Environmental Protection Agency's Facility in Key Largo, FL

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. 09–10672–03. This license is held by Environmental Protection Agency, Gulf Ecology Division (the Licensee), for its Key Largo Laboratory NOAA Facility located at 512 Caribbean Avenue in Key Largo, Florida (the Facility). Issuance of the amendment would authorize release of the Facility for unrestricted use. The Licensee requested this action in a letter dated September 3, 2008. The NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of Title 10, *Code of Federal Regulations* (CFR), Part 51 (10 CFR Part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to the proposed action. The amendment will be issued to the Licensee following the publication of this FONSI and EA in the **Federal Register**.

II. Environmental Assessment

Identification of Proposed Action

The proposed action would approve the Licensee's September 3, 2008, license amendment request, resulting in release of the Facility for unrestricted use. License No. 09–10672–03 was issued on November 2, 1992, pursuant to 10 CFR Part 30, and has been amended periodically since that time. This license authorizes the Licensee to use unsealed byproduct material for purposes of conducting research and development activities on laboratory bench tops. The proposed action pertains only to the cessation of licensed activities at the Facility. The license authorizes use of licensed material at other locations that will not be affected by this action, and the license will thus not be terminated if the proposed action is approved.

The Facility is situated within a 2000 square foot building on 0.53 acres and consists of general office, residential, laboratory, and storage space. Within the Facility, use of licensed materials was confined to 120 square feet laboratory. The Facility is located in a mixed residential and commercial area. Within the Facility, the radionuclide of concern was Hydrogen-3 and carbon-14 because their half-lives being greater than 120 days.

In December 1996, the Licensee ceased licensed activities at the Facility and initiated survey and decontamination actions there. 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.

Need for the Proposed Action

The Licensee has ceased conducting licensed activities at the Facility, and seeks the unrestricted use of its Facility.

Environmental Impacts of the Proposed Action

The historical review of licensed activities conducted at the Facility shows that such activities involved use of the following radionuclides with half-lives greater than 120 days: Hydrogen-3 and carbon-14. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas of the Facility affected by these radionuclides.

The Licensee conducted a final status survey on January 8 and 9, 2008. The final status survey report was attached to the Licensee's amendment request dated September 3, 2008. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by using the screening approach described in NUREG–1757, ''Consolidated NMSS Decommissioning Guidance,'' Volume 2. The Licensee used the radionuclide-specific derived concentration guideline levels (DCGLs), developed there by the NRC, which comply with the dose criterion in 10 CFR 20.1402. These DCGLs define the maximum amount of residual radioactivity on building surfaces, equipment, and materials 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 staff finds there were no significant environmental impacts from the use of radioactive material at the Facility. The NRC staff reviewed the docket file records and the final status survey report to identify any non-radiological hazards that may have impacted the environment surrounding the Facility. No such hazards or impacts to the environment were identified. The NRC has identified no other radiological or non-radiological activities in the area that could result in cumulative environmental impacts.

The NRC staff finds that the proposed release of the Facility for unrestricted use and the termination of the NRC materials license is in compliance with 10 CFR 20.1402. Based on its review, the staff considered the impact of the residual radioactivity at the Facility and concluded that the proposed action will not have a significant effect on the quality of the human environment.

Environmental Impacts of the Alternatives to the Proposed Action

Due to the largely administrative nature of the proposed action, its environmental impacts are small. Therefore, the only alternative the staff considered is the no-action alternative, under which the staff would leave things as they are by simply denying the amendment request. This no-action alternative is not feasible because it conflicts with 10 CFR 30.36(d), requiring that decommissioning of byproduct material facilities be completed and approved by the NRC after licensed activities cease. The NRC's analysis of the Licensee's final status survey data confirmed that the Facility meets the requirements of 10 CFR 20.1402 for unrestricted release. 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 Bureau of Radiation Control, Florida Department of Health for review on December 2, 2008. On December 9, 2008, the Florida Bureau of Radiation Control responded by electronic mail. The State agreed with the conclusions of the EA, and otherwise had no comments.

The NRC staff has determined that the proposed action is of a procedural nature, and will not affect listed species or critical habitat. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. The NRC staff has also determined that the proposed action is not the type of activity that has the potential to cause effects on historic properties. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

III. Finding of No Significant Impact

The NRC staff has prepared this EA in support of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

IV. Further Information

Documents related to this action, including the application for license amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html*. From this site, you can access the NRC's Agencywide 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;'' and
5. United States Environmental Protection Agency letter dated September 3, 2008 [ML082690377].

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 10th 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. E9–3750 Filed 2–20–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Subcommittee Meeting on Materials, Metallurgy & Reactor Fuels; Revised

The ACRS Subcommittee on Materials, Metallurgy & Reactor Fuels scheduled for Wednesday, March 4, 2009, has been moved to the Commission Hearing Room, 01–F16/01–G16, 11555 Rockville Pike, Rockville, Maryland, 20852. All other items pertaining to this meeting remain the same as published previously in the **Federal Register** on Tuesday, February 10, 2009.

For future information contact: Michael L. Benson, Designated Federal Officer (Telephone: 301–415–6396) between 7 a.m. and 5 p.m. (ET) or by e-mail *Michael.Benson@nrc.gov*.

Dated, February 17, 2009.

Cayetano Santos,

Branch Chief Reactor Safety Branch A, Advisory Committee on Reactor Safeguards.

[FR Doc. E9–3753 Filed 2–20–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[DOCKET NO. 50–238; NRC–2009–0019]

Nuclear Ship Savannah; Notice of Public Meeting on the Post Shutdown Decommissioning Activities Report

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of meeting on the Post Shutdown Decommissioning Activities Report (PSDAR) for the Nuclear Ship Savannah (NS Savannah), Facility Operating License No. NS–1.

Contact: John T. Buckley, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone: 301–415–6607 or Toll Free: 800–368–5642, x–6607, or e-mail *john.buckley@nrc.gov.*

SUMMARY: The NRC is providing notice that the NRC staff will conduct a meeting to discuss and accept comments on the PSDAR for the NS Savannah on March 11, 2009, from 7 p.m. to 9 p.m. The meeting will be held on-board the NS Savannah located at Pier 13, Canton Marine Terminal, 4601 Newgate Ave., Baltimore, MD 21224.

On December 11, 2008, the U.S. Department of Transportation—Maritime Administration (MARAD) submitted its PSDAR for the NS Savannah. The PSDAR provides an overview of MARAD's proposed decommissioning activities, schedule, and costs for the NS Savannah.

The NS Savannah was brought to power in 1961 and removed from service in 1970. Final reactor shutdown occurred in November 1970 and defueling was completed in fall 1971. In 1975 the NS Savannah was ''mothballed.'' NRC issued a ''possession—only'' license for the NS Savannah in 1976. The NS Savannah was in a mothballed status from 1976 to 2006. In 2006, MARAD made the decision to place the ship in extended SAFSTOR until the budget could support decommissioning and license termination. MARAD submitted the PSDAR as part of its SAFSTOR compliance program.

FURTHER INFORMATION: The PSDAR is available for public viewing at the NRC's Public Document Room (PDR) or electronically through the NRC's Agencywide Documents Access and Management System (ADAMS) with Accession No. ML083500100. Documents may also be examined, and/or copied for a fee, at the PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Public Electronic Reading Room).

Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1 (800) 397–4209, or (301) 415–4737, or by e-mail at *pdr.resource@nrc.gov.*

Dated at Rockville, Maryland, this 17th day of February 2009.

For the U.S. Nuclear Regulatory Commission

Timothy O'Hara,

Chief, Reactor Decommissioning Branch, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. E9–3749 Filed 2–20–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2008–0472]

Notice of Availability of the Final Interim Staff Guidance COL/ESP–ISG–004 on the Definition of Construction and on Limited Work Authorizations; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability; correction.

SUMMARY: This document corrects a notice appearing in the **Federal Register** on February 17, 2009 (74 FR 7488), that announced the availability of Final Interim Staff Guidance (ISG) COL/ESP–ISG–004. This action is necessary to correct the Agencywide Documents Access Management System (ADAMS) accession number for the ISG.

FOR FURTHER INFORMATION CONTACT: Ms. Nanette V. Gilles, Division of New Reactor Licensing, Office of the New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC, 20555–0001; telephone 301–415–1180 or e-mail at *Nanette.Gilles@nrc.gov.*

SUPPLEMENTARY INFORMATION: On page 7488, in the first column, third line, the ISG's COL/ESP–ISG–004 ADAMS accession number is corrected to read from ''ML090060897'' to ''ML08290729.''

Dated at Rockville, Maryland, this 17th day of February 2009.

For the Nuclear Regulatory Commission.

David B. Matthews,

Director, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. E9–3757 Filed 2–20–09; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. R2009–2; Order No. 180]

Postal Service Price Changes

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is conducting a review of the Postal Service's planned rate adjustments for essentially all products in the market dominant category, which includes the First-Class stamp, and limited classification changes. The adjustments are generally based on a method that relies on a price cap tied to annual changes in the consumer price index and, in some instances, also draws on unused or ''banked'' pricing authority. This document invites public comment and discusses other matters related to the Commission's review and the Postal Service's anticipated implementation of new rates.

DATES: March 2, 2009: Deadline for public comments.

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: *Regulatory History,* 73 FR 9363 (February 20, 2008).

I. Overview

A. Background

On February 10, 2009, the United States Postal Service (Postal Service) filed with the Postal Regulatory Commission (Commission) a document captioned United States Postal Service Notice of Market-Dominant Price Adjustment (Adjustment Notice). This document was filed pursuant to 39 U.S.C. 3622 and 39 CFR part 3010. It announces the Postal Service's intention to adjust rates for all market dominant products in amounts that are, on average, within a 3.8 percent statutory price cap plus the unused pricing authority remaining from Docket No. R2008–1 for each class. The planned price adjustment for most market dominant products will take effect on May 11, 2009. The exceptions are new

prices related to a full-service option of Intelligent Mail which will take effect on November 29, 2009, and Personalized Stamped Envelopes options which will have their effective dates established by separate notice. The Commission notes that the average change, in some instances, includes significant percentage changes within a class. The Commission further notes that several worksharing discounts vary significantly from passing through 100 percent of avoided costs.

The Adjustment Notice also addresses several mail classification changes the most sweeping of which provides a price differential for mailers who use the full-service option of Intelligent Mail and comply with mail preparation requirements. The Postal Service plans a November 29, 2009 price reduction of 0.3 cents for full-service option Intelligent Mail within First-Class Mail, and 0.1 cents for full-service option Intelligent Mail within Standard Mail, Package Services, and Periodicals Mail.[1] Address Change Service (ACS) will be included with the full-service option of Intelligent Mail for Periodicals, providing the additional benefit of not having to incur the separate cost of ACS which is required for all Periodicals. Mailers can avail themselves of this price differential if they meet specific criteria, including a requirement that each piece have a unique Intelligent Mail barcode, be part of a mailing with unique container labels, and use electronic documentation.

Additional class-specific classification changes also are planned. A minor classification change is made in First-Class Mail to separate the current ''Canada and Mexico'' Outbound Single-Piece First-Class Mail International Postcard category into two distinct price categories.

Standard Mail will be subject to an additional 7 cents per-piece charge for mailings not compliant with the Move Update requirements. The Postal Service is planning an optional feature called ''Saturation Mail Volume Program'' to encourage new Saturation mail volumes. It is revising pricing categories for Standard Mail Not Flat-Machinable (NFMs)/Parcels and slightly modifying Domestic Mail Manual eligibility rules for those categories.

The Postal Service plans to change the Single-Piece Parcel Post price structure by merging the Intra-BMC [bulk mail center] and Inter-BMC prices into a single Parcel Post price category and deleting the non-machinable surcharge. Also descriptions for Zones 1–8 are added to the Mail Classification Schedule.

Within special services, the Postal Service plans to modify Confirm by adding a new Bronze subscription level, and make changes to the Gold and Platinum levels to differentiate between mail owners and mail agents. The Stamped Envelopes product is supplemented with premium options available for personalized stamped envelopes. Finally, changes are made to Address Correction Service to incorporate the full-service option of Intelligent Mail.

B. Context

The filing of the Adjustment Notice marks the second instance in which the Postal Service is exercising its authority, under the Postal Accountability and Enhancement Act of 2006 (PAEA) and related Commission rules, to make an annual adjustment in rates for products in the market dominant category under a new streamlined, index-based approach. The market dominant product category is one of two business lines established in the PAEA. It includes, generally, First-Class Mail letters and sealed parcels; First-Class Mail cards; Periodicals; Standard Mail; Single-Piece Parcel Post; Media Mail; Bound Printed Matter; Library Mail; Special Services; and Single-Piece International Mail. 39 U.S.C. 3621. The second business line is the competitive products category, which includes Priority Mail; Expedited Mail; Bulk Parcel Post; and Bulk International Mail. Specific market dominant product and the competitive product lists are published at 39 CFR Appendix A to Subpart A of Part 3020—Mail Classification Schedule. Rate and fee adjustments for each business category are governed by different procedures.

C. Statutory Price Cap

The statutory price cap limits the increase in rates for market dominant products to the change in the CPI–U for the past 12 months, calculated under Commission rules implementing the PAEA.[2] For the 12 months ending December 2008, the price cap is 3.8 percent.

II. Impact on Mailers

Summary. The planned adjustments, summarized in terms of average percentage change at the class level, are First-Class Mail, 3.771 percent; Standard Mail, 3.781 percent; Periodicals, 3.966 percent; Package Services, 3.800 percent; and Special Services, 3.837 percent. The unused pricing authority remaining from Docket No. R2008–1 by class are First-Class Mail, 0.014 percent; Standard Mail, 0.062 percent; Periodicals, 0.176 percent; Package Services, 0.025 percent; and Special Services, 0.052 percent. When combined with the current 3.8 percent statutory price cap, the total price adjustment authority by class are First-Class Mail, 3.814 percent; Standard Mail, 3.862 percent; Periodicals, 3.976 percent; Package Services, 3.825 percent; and Special Services, 3.852 percent. As calculated by the Postal Service, each percentage adjustment is below the allowable total price adjustment authority. Adjustment Notice at 3–5.

The First-Class stamp. The planned change in the First-Class postage stamp, which is widely used by the general public for eligible mail weighing 1 ounce or less, is an increase of 2 cents. This raises the rate from its current level of 42 cents to 44 cents. The additional ounce price and the non-machinable surcharge will be held at current levels. *Id.* at 12.

The Forever Stamp. As a result of Docket No. R2006–1, the Postal Service introduced a First-Class Mail ''Forever Stamp.'' The price of this stamp at the time of its introduction was 41 cents, which equated to the Docket No. R2006–1 price for the first ounce of single-piece First-Class Mail. The price of this stamp increased to 42 cent as a result of the Docket No. R2008–1 price adjustment. This stamp will continue to be sold for 42 cents through May 10, 2009, and will cover postage for mailing single-piece First-Class Mail even after the anticipated price increase to 44 cents on May 11, 2009. On and after May 11, under the planned adjustments, a new purchase of a Forever Stamp will be at the 44-cent rate. These stamps, like the original issue, will continue to cover the mailing of 1-ounce single-piece First-Class Mail, regardless of future increases in the underlying rate.

III. Unused Rate Adjustment Authority

The Postal Service states that the unused price adjustment authority remaining following this price change is accordance with the following schedule.

TABLE III–1

Class	Percent change
First-Class Mail	0.043
Standard Mail	0.081

[1] Although the Adjustment Notice does not discuss a price differential for Package Services, Appendix A at 49 and 51 indicates the availability of the price differential for certain Bound Printed Matter Flats.

[2] The reference to CPI–U is to the Department of Labor's Consumer Price Index for All Urban Consumers.

TABLE III–1—Continued

Class	Percent change
Periodicals	0.010
Package Services	0.025
Special Services	0.015

Id. at 6.

IV. Consistency of Adjustment Notice With Commission Rules

Relationship of streamlined procedures to intended implementation date. Commission rules implementing the PAEA require the Postal Service to file notice of its intention to adjust market dominant rates at least 45 days prior to the intended implementation date. The Commission notes, in this instance, that the Postal Service is providing more than the minimum amount of notice, given that the anticipated effective date is May 11, 2009.

V. Commission Action

In Docket No. RM2007–1, the Commission developed a set of procedures to carry out its review of an adjustment notice in accordance with the PAEA and pertinent provisions of the Administrative Procedure Act. Pursuant to these procedures, the filing of an adjustment notice triggers a requirement that the Commission establish a formal docket to review the consistency of the planned adjustments with regulations that subsume legal provisions, policy issues, and technical matters. Requirements related to public notice, official publication, public representation, a public comment period, and other matters also attach to the review.

The Commission takes several steps at this time in conformance with these requirements. First, it has posted the Postal Service's Adjustment Notice on its Web site, *http://www.prc.gov.* It also has made the Adjustment Notice available for copying and inspection during regular business hours (8 a.m. to 4:30 p.m.) at the Commission, 901 New York Avenue, NW., Suite 200, Washington, DC 20268–0001. Any subsequent Postal Service filings in this docket, along with any written comments and filings by others, also will be posted on the Commission's Web site and made available for public inspection and copying at the Commission during regular business hours.

Second, the Commission establishes the requisite formal docket, captioned Docket No. R2009–2, Notice of Price Adjustment, to conduct its mandatory review of the Postal Service's planned rate adjustments. It notes that this review is conducted under the legal authority of 39 U.S.C. 3622.

The Commission's intention is to conduct this review by bringing its judgment to bear on the basis of the material presented in the Adjustment Notice, the objectives, factors and requirements of the PAEA, including referenced postal policies, Commission rules, and public comments.

Third, the Commission issues this notice addressing the Adjustment Notice and related matters, in conformance with 39 CFR 3010.13. It also directs the Secretary of the Commission to arrange for prompt publication of this notice and order in the **Federal Register**. It appoints Kenneth E. Richardson, Pamela A. Thompson, and William C. Miller to represent the interests of the general public in conformance with 39 CFR 3010.13(a)(4).

Public comment period; focus of comments. The Commission provides a 20-day comment period starting from the date of the filing of the Adjustment Notice in conformance with 39 CFR 3010.13(a)(5). The comment period extends through close of business on March 2, 2009. Rule 3010.13(b) provides that public comments should focus primarily on whether planned rate adjustments comply with the following mandatory requirements of 39 U.S.C. chapter 36, subchapter 1, including:

(1) Whether the planned rate adjustments measured using the formula established in section 3010.23(b) are at or below the annual limitation established in section 3010.11; and

(2) Whether the planned rate adjustments measured using the formula established in section 3010.23(b) are at or below the limitations established in section 3010.28.

Method for filing comments. The formal intervention process set out in the Commission's rules does not apply in this type of docket. Instead, interested persons are to submit comments electronically via the Commission's Filing Online system. The Commission will provide assistance to anyone not familiar with this method of filing. Those seeking assistance should contact the Docket Section at 202–789–6846.

Additional procedural steps; timetable. Rule 3010.13(c) provides that the Commission, within 14 days of the conclusion of the public comment period, will determine, at a minimum, whether the planned rate adjustments are consistent with the annual limitation set forth in section 3010.11; the limitations set forth in section 3010.28; and 39 U.S.C. 3626, 3627 and 3629, and issue an order announcing its findings. In this instance, the deadline for the Commission's determination is March 16, 2009. If the planned rate adjustments are found consistent with applicable law by the Commission, they may take effect pursuant to appropriate action by the Postal Service. In the event the Commission determines that planned rate adjustments are not consistent with applicable considerations, additional procedures apply. See 39 CFR 3010.13(c) through 3010.13(i).

VI. Summary of Postal Service Adjustment Notice

Background. Commission rule 3010.14 requires the Postal Service to include certain explanatory and supporting information in each adjustment notice, but leaves organization of the notice and presentation of the requisite material to the discretion of the Postal Service. The purpose of the information the Postal Service provides is to facilitate expeditious review of the consistency of the adjustment notice with pertinent considerations.

Organization of adjustment notice. The Adjustment Notice in this docket consists of an introductory section; three sections designated as parts; three appendices; and five attachments.

Introductory section. The Postal Service identifies the planned effective date as May 11, 2009 for most price adjustments. It states that the new prices related to a full-service option of Intelligent Mail will take effect on November 29, 2009, and the Personalized Stamped Envelopes options will have their effective dates established by separate notice. It also represents, in conformance with the notice requirements of 39 CFR 3010.14(a)(3), that it will issue public notice of the planned rate changes at least 45 days before the effective date via several means in addition to its Adjustment Notice. Specifically, it states that this includes issuing notice of the price changes, on the same day of its filing with the Commission, on the Postal Service's Web site (*http://www.usps.com*), the Postal Explorer Web site (*http://www.pe.usps.com*), the DMM [Domestic Mail Manual] Advisory, and the P&C [Producers and Consumers] Weekly; and a press release announcing the changes. The Postal Service also states that it plans to provide public notice of the price changes in future issues of the *PCC [Postal Customer Council] Insider, MailPro* (March/April issue), the *Postal Bulletin,* and **Federal Register**. *Id.* at 1–2.

The Postal Service identifies Joseph D. Moeller, Manager of Pricing, as the

Postal Service official who will be available to provide prompt responses to requests for clarification from the Commission. In the remainder of the Adjustment Notice, it provides supporting technical information and justifications, including workpapers where applicable. 39 CFR 3010.13(a)(1), 3010.13(a)(3), 3010.13(a)(4), and 3010.14(b). *Id.* at 2.

Part I. The Postal Service represents that the material presented in part I, captioned Price Cap Compliance, complies with 39 CFR 3010.14(b)(1) through (4) by identifying the amount of the applicable price cap; the amount of any unused rate (price) adjustment authority available for each class of mail; the percentage change in prices for each class of mail; and the amount of any unused rate adjustment authority generated by this price change. *Id.*

Part II. The Postal Service represents that the material presented in part II, captioned Description of the Prices, responds to 39 CFR 3010.14(b)(7) and (8). These rules require the Postal Service to discuss how the planned prices ''help achieve'' the objectives of section 3622(b) and ''properly take into account'' the factors of section 3622(c); and how the planned prices are consistent with sections 3626, 3627 and 3629. In addition, the Postal Service discusses the workshare discounts included within the planned price adjustments as required by 39 CFR 3010.14(b)(5) through (6). *Id.* at 6–7.

Part III. The Postal Service represents that part III, captioned MCS [Mail Classification Schedule] Product Description Changes, responds to the requirement in 39 CFR 3010.14(b)(9) that the instant notice include all the changes to the product descriptions within the MCS that are necessitated by the planned rate adjustments. These changes are presented based on draft MCS language that is being developed by the Commission in cooperation with the Postal Service. The draft MCS will be the subject of a future rulemaking, which will include the opportunity for public comment. *Id.* at 45.

Appendices. The Adjustment Notice is accompanied by three appendices. Appendix A provides the schedules of new prices and classification changes in Mail Classification Schedule format; Appendix B provides workshare discounts, cost differentials, and passthroughs; and Appendix C provides the price cap calculation.

Attachments. The attachments consist of workbooks the Postal Service prepared to demonstrate that the prices identified in the appendices comply with the price cap. The five attachments are identified as USPS–R2009–2/1: Cap Compliance for First-Class Mail Price Changes; USPS–R2009–2/2: Standard Mail Cap Compliance; USPS–R2009–2/3: Periodicals Cap Compliance; USPS–R2009–2/4: Package Services Cap Compliance; and USPS–R2009–2/5: Special Services Cap Compliance.

VII. Class-Specific Summary of Price Adjustments and Classification Changes

A. First-Class Mail

The Postal Service identifies six First-Class Mail products: Single-Piece Letters/Postcards; Presorted Letters/Postcards; Flats, Parcels; Outbound Single-Piece First-Class Mail International; and Inbound Single-Piece First-Class Mail International. The planned price changes for these products, in percentage terms, range from 2.567 percent to 4.616 percent. Product-specific changes appear in the following table.

TABLE VII–1

Product	Percent change
Single-Piece Letters & Cards	4.616
Presort Letters & Cards	3.080
Flats	3.882
Parcels	2.567
International *	4.136
Overall	3.771

* This includes Inbound and Outbound Single-Piece First-Class Mail International.

Id. at 11–12.

The Postal Service states that a major driver of the overall increase for First-Class Mail is the price of a stamp for 1-ounce, single-piece letters. It plans to increase this price by 2 cents (4.8 percent). This increase also reflects the integer (cent) rounding constraint traditionally applied to this price. The Postal Service asserts that the additional ounce price and the non-machinable surcharge are held at current levels, thus tempering the increase caused by the 2-cent increase on the first-ounce price for letters. *Id.* at 12.

Presort Letters and Cards. The Postal Service plans less-than-average increases in automation prices to help maintain letter volume. In addition, the Postal Service will make optional some requirements for presortation of automation First-Class Mail *Id.* at 13.

Classification changes. To facilitate the adoption of the full-service option of Intelligent Mail the Postal Service has added a price differential to the MCS for customers who use this option with First-Class Mail presorted letters and flats. The price when using this option is reduced by 0.3 cents from what otherwise would have been paid. The specific mail preparation requirements for this classification have not been fully specified. *Id.* at 14.

B. Standard Mail

The Postal Service identifies six Standard Mail products: Letters; Flats; Parcels and Not-Flat Machinables (NFMs); High Density and Saturation Letters; High Density and Saturation Flats and Parcels; and Carrier Route Letters, Flats, and Parcels. The planned price changes for these products range from 1.248 percent to 16.425 percent. Product-specific changes appear in the following table.

TABLE VII–2

Product	Percent change
Letters	3.829
Flats	2.306
Parcels and NFMs	16.425
High Density/Saturation Letters	1.248
High Density/Saturation Flats and Parcels	2.233
Carrier Route Letters, Flats and Parcels	4.310
Overall	3.781

Id.

The Postal Service states that the price change for the Flats product is lower than the price cap (2.306 percent) to moderate the increase for catalog mailers, whose volume fell considerably in FY 2008. Although FY 2008 data shows a cost coverage below 100 percent, the Postal Service asserts it is mitigating the price increase to maintain the viability of the catalog industry. It also is either reducing or limiting the increase of the pound rate category for the Flats product. *Id.* at 15.

The Postal Service notes that it is working to improve contribution for the Parcels and NFMs product. It plans a 16.425 percent average increase. However, incentives to more efficient transportation and entry practices dropship deeper into the system are enhanced to encourage. *Id.* at 16.

Classification changes. The Postal Service has planned new price incentives targeted at encouraging new Saturation mail volumes. The incentives will reduce the price for new Saturation letters mailed during defined periods by 3.7 cents (2.2 cents for nonprofit Saturation letters). *Id.*

The Postal Service is revising the pricing categories for Standard Mail Parcels/NFMs. There no longer will be a separate price for machinable parcels, irregular parcels, and NFMs presorted to 5-digit and entered at origin. For such pieces, the lowest price available will be the BMC price. Separate prices also will

be eliminated for origin entered SCF [sectional center facility] irregular parcels and NFMs, DSCF [destination section center facility] entered BMC irregular parcels and NFMs, and DSCF and DBMC [destination bulk mail center] entered Mixed BMC irregular parcels and NFMs. *Id.* at 17.

To facilitate the adoption of the full-service option of Intelligent Mail, the Postal Service has added a price differential to the MCS for customers who use this option with Standard Mail. The price when using this option is reduced by 0.1 cents from what otherwise would have been paid. The specific mail preparation requirements for this classification have not been fully specified. *Id.* at 17–18.

The Postal Service changed mail preparation standards in November 2008 to require Standard Mail customers to use an approved Move Update method. Customers not complying with the Move Update standard will be subject to a charge of 7 cents per piece. *Id.* at 18.

C. Periodicals

The Postal Service identifies two Periodicals products: Within County Periodicals and Outside County Periodicals. The planned price changes are relatively close and both are below the cap. Product-specific changes appear in the following table.

TABLE VII–3

Product	Percent change
Outside County	3.973
Within County	3.802
Overall	3.966

Id. at 19.

The Postal Service asserts that the Periodicals class has been challenging in terms of cost coverage. The Postal Service states that Periodicals is the only class of mail failing to cover attributable costs in FY 2008. It also is cognizant of the value of the class to the public. It contends the adjusted prices are designed to balance the impact on publications, while taking advantage of the new price structure that will improve the efficiency of the product. *Id.*

Classification changes. To facilitate the adoption of the full-service option of Intelligent Mail, the Postal Service has added a price differential for customers who use this option with Periodicals. The per-piece charge when using this option is reduced by 0.1 cents from what otherwise would have been paid. The specific mail preparation requirements for this classification have not been fully specified. *Id.* at 20.

Currently, Periodicals are required to use ACS and pay a fee of 25 cents per address change. By adopting the full-service option of Intelligent Mail, a publication also qualifies for no-fee ACS, which, in itself, is a substantial incentive to use the full-service option. *Id.*

D. Package Services

The Postal Service identifies five Package Services products: Single-Piece Parcel Post; Bound Printed Matter Flats; Bound Printed Matter Parcels; Media Mail/Library Mail; and Inbound Surface Parcel Post (at Universal Postal Union (UPU) rates). The planned price changes range from 2.0 percent reduction to an increase of 7.468 percent. Product-specific changes appear in the following table.

TABLE VII–4

Product	Percent change
Single-Piece Parcel Post	4.450
BPM Flats	−2.000
BPM Parcels	2.504
Media Mail and Library Mail	7.468
Inbound Surface Parcel Post	*5.027
Overall	3.800

*The Postal Service notes that prices for Inbound (International) Surface Parcel Post (at UPU rates) are determined by the Universal Postal Union and are not under its (the Postal Service's) control. *Id.* at 20, n.16.

Id.

The Postal Service states that its overall goal in Package Services is to improve the profitability of the product. It notes that in FY 2008, Media Mail, Library Mail, and Single-Piece Parcel Post failed to cover costs, although the class as a whole had a positive cost coverage. Because Bound Printed Matter flats already have a healthy cost coverage, the Postal Service plans on reducing the average price for Bound Printed Matter flats in order to offset the needed higher price increases for the lower performing products. *Id.* at 21.

Classification changes. The Postal Service plans to change the Single-Piece Parcel Post price structure by merging the Intra-BMC and Inter-BMC prices to create a single price at each weight level in each zone. The separate price for the Local zone is being merged with the Zones 1 and 2 prices. *Id.* at 21–22.

The current price structure for Single-Piece Parcel Post includes a surcharge for non-machinable parcels. The Postal Service is eliminating this surcharge and incorporating its effect into the base price. *Id.* at 22.

E. Special Services

The Postal Service identifies 11 Special Services products: Ancillary Services; International Ancillary Services; Address List Services; Caller Service; Change-of-Address Credit Card Authentication; Confirm; International Reply Coupon Service; International Business Reply Mail Service; Money Orders; Post Office Box Service; and Premium Forwarding Service. The planned overall increase is 3.837 percent. *Id.* at 22–23.

The Postal Service states that fee increases for many Special Services are generally designed to be close to the percentage increase in CPI–U, while maintaining consistency with historical rounding constraints. *Id.* at 23. It says that Special Services affected by this approach include Business Reply Mail, and several Ancillary Services, including Certified Mail; Address List Services; Account Maintenance; Application and Mailing Permit fees; Parcel Airlift Service; Post Office Boxes; Return Receipt (green card); and Shipper Paid Forwarding. *Id.* The Postal Service states the greater increases for Electronic Return Receipt and Return Receipt After Mailing reflect their high value of service. *Id.,* n.17.

Address Correction Service (ACS). The Postal Service states that a significant portion of ACS will be incorporated into the full-service option of Intelligent Mail. It notes that manual fees are not increased while Automated and Electronic fees have increases exceeding the cap. *Id.*

Certificate of Mailing. The Postal Service asserts that for Certificate of Mailing, it designed fees for individual pieces to increase by a percentage as close to the cap percentage as possible, consistent with the historical nickel rounding constraint for this special service. However, it increases fees for Certificates of Mailing for bulk pieces slightly above the cap to reflect the low price compared to a high value of service. *Id.*

Confirm. The Postal Service plans a classification change for Confirm by adding a new ''Bronze'' price tier, and new segments within the two existing tiers which differentiate between mail owners and mail agents. *Id.* at 24.

Insurance. The Postal Service states that the planned above-average price increases for the $50.01 to $100 fee and the $100.01 to $200 fee are intended to smooth the price relationships among the various increments. It says the increase in the incremental fee reflects the increased value of service provided as the item's value increases. *Id.*

Registered Mail. The Postal Service plans to increase fees for Registered Mail by an average of 8.7 percent to reflect the high value of service offered, and to improve the very low cost coverage. *Id.*

Stamped Envelopes. The Postal Service plans to increase the fees for single-piece stamped envelopes by one cent. It says it keeps the fees for plain envelopes in packs of 500 as close to the cap as possible within the rounding constraints. Fees for personalized envelopes, however, increase by more than the cap to reflect the convenience this service provides. The Postal Service states that it is enhancing the value of service by introducing new envelope options, some of which will be available on a date later than May 11, 2009. *Id.* at 24–25.

Stamped Cards. The Postal Service does not plan to increase the fee for single Stamped Cards. *Id.* at 25.

Bulk Parcel Return Service. The Postal Service states that the increase in the per-piece fee is similar to the general increase for Standard Mail parcels. *Id.*

Restricted Delivery, Collect on Delivery Notice of Nondelivery and Alteration of Charges, and Money Order inquiries. The Postal Service says the fee increases for these services reflect their high value of service. *Id.*

International Special Services. The Postal Service says its general approach to international special services has been to set fees for those services that are similar to the fees for the equivalent domestic service, and that it has followed this approach for International Certificates of Mailing; International Registered Mail; International Return Receipts; and International Restricted Delivery. *Id.*

VIII. Compliance With Preferred Mail Requirements

The Postal Service explains its compliance with section 3626, which sets forth pricing requirements for certain preferred categories of mail. *Id.* at 25–27. It contends that the price adjustment continues to recognize the preferential status of Within County Periodicals. 39 U.S.C. 3626(a)(3). The Postal Service states that the rate adjustments maintain the rate preference for Nonprofit and Classroom pieces at a 5 percent discount on all components of postage except for advertising pounds and ride-along postage. 3626(a)(4)(A)–(B). The Postal Service continues to provide Science of Agriculture Periodicals with advertising pound rates for DDU [destination delivery unit], DSCF, DADC [destination area destination center] and Zones 1 & 2 that are 75 percent of the advertising pound rates applicable to regular Periodicals. 39 U.S.C. 3626(a)(5). Nonprofit Standard Mail prices are set to achieve a revenue per-piece ratio of 60.2 percent of the commercial average revenue per piece. 39 U.S.C. 3626(a)(6). The Postal Service states that it has set the prices for Library Mail to be, as nearly as practical, equal to 95 percent of the prices for Media Mail. 39 U.S.C. 3626(a)(7). Finally, the Postal Service states that it implemented a new ''limited circulation'' discount in 2008, which gives Outside County pieces of Periodicals having fewer than 5,000 Outside County pieces and at least one Within County piece a discount equivalent to the Nonprofit and Classroom Periodicals discount.

IX. Compliance With Workshare Discount Rules

The Postal Service explains that section 3622(e) requires the Postal Service to justify any worksharing discounts that exceed 100 percent of avoided costs by reference to the exceptions specified in that provision. *Id.* at 27. In addition, 39 CFR 3010.14(b)(6) requires the Postal Service to explain any discount set substantially below 100 percent of avoided costs. *Id.* at 29. The workshare discounts, cost differentials, and passthroughs are shown in Appendix B. The accompanying explanations are provided on a class-by-class basis in the Adjustment Notice at pages 29–45.

X. Mail Classification Schedule Product Description Changes

The Postal Service addresses 39 CFR 3010.14(b)(9) in part III of its Adjustment Notice. *Id.* at 45–47. This rule requires that the Adjustment Notice include all the changes to the product descriptions within the MCS that are necessitated by the planned price adjustments. These changes are presented based on draft MCS language that is being developed by the Commission in cooperation with the Postal Service. The draft MCS will be the subject of a future rulemaking, which will include the opportunity for public comment. The Postal Service provides the proposed MCS revisions in Appendix A.

Part III of the Adjustment Notice also summarizes the classification changes identified above in this notice and previously in the Adjustment Notice. It also identifies a further Outbound Single-Piece First-Class Mail International classification change which splits the current Canada and Mexico Postcard category into two distinct price categories. *Id.* at 46.

XI. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. R2009–2 to consider the planned price adjustments in rates and fees for market dominant postal products and services identified in the Postal Service's February 10, 2009 Adjustment Notice.

2. Interested persons may submit comments on the planned price adjustments. Comments are due March 2, 2009.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Kenneth E. Richardson, Pamela A. Thompson, and William C. Miller to represent the interests of the general public in this proceeding.

4. The Commission directs the Secretary of the Commission to arrange for prompt publication of this notice in the **Federal Register**.

Dated February 12, 2009.

By the Commission.

Steven W. Williams,

Secretary.

[FR Doc. E9–3781 Filed 2–20–09; 8:45 am]

BILLING CODE 7710–FW–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) to request a revision to the following collection of information: 3220–0198, Request for Internet Services. Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB uses a Personal Identification Number (PIN)/Password system that allows RRB customers to conduct business with the agency electronically. As part of the system, the RRB collects information needed to establish a unique PIN/Password that allows customer access to RRB Internet-based services. The information collected is matched against records of the railroad employee that are maintained by the RRB. If the information is verified, the request is approved and the RRB mails a Password Request Code (PRC) to the requestor. If the information provided cannot be verified, the requestor is advised to

contact the nearest field office of the RRB to resolve the discrepancy. Once a PRC is obtained from the RRB, the requestor can apply for a PIN/Password online. Once the PIN/Password has been established, the requestor has access to RRB Internet-based services. The RRB estimates that approximately 9,756 requests for PRC's and 9,756 PIN/Passwords are established annually and that it takes 5 minutes per response to secure a PRC and 1.5 minutes to establish a PIN/Password. Two responses are requested of each respondent and completion is voluntary. However, the RRB will be unable to provide a PRC or allow a requestor to establish a PIN/Password (thereby denying system access), if the requests are not completed. The RRB proposes no changes to the PRC and PIN/Password screens.

The RRB invites comments on the proposed collection of information to determine: (1) The practical utility of the collection; (2) the accuracy of the estimated burden of the collection; (3) ways to enhance the quality, utility and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if RRB and OIRA receive them within 30 days of publication date.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (73 FR 78399 on December 22, 2008) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Request for Internet Services.

OMB Control Number: 3220–0198.

Form(s) submitted: N/A.

Type of request: Extension of a currently approved collection.

Affected public: Individuals or households.

Abstract: The Railroad Retirement Board collects information needed to provide customers with the ability to request a Password Request Code and subsequently, to establish an individual PIN/Password, the initial steps in providing the option of conducting transactions with the RRB on a routine basis through the Internet.

Changes Proposed: The RRB proposes no changes to the PRC and PIN/Password screens.

The burden estimate for the ICR is as follows:

Estimated annual number of respondents: 9,756.

Total annual responses: 19,512.

Total annual reporting hours: 1,057.

Additional Information or Comments: Copies of the screens and supporting documents can be obtained by contacting Charles Mierzwa, the agency clearance officer, at (312–751–3363) or *Charles.Mierzwa@rrb.gov.*

Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or *Ronald.Hodapp@rrb.gov* and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Charles Mierzwa,

Clearance Officer.

[FR Doc. E9–3770 Filed 2–20–09; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59273; File No. SR–FINRA–2008–067]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of Proposed Rule Change to Adopt Rules Governing Financial Responsibility in the Consolidated FINRA Rulebook

Correction

In notice document E9–1807 beginning on page 4992 in the issue of Wednesday, January 28, 2009 make the following correction:

On page 4992, in the third column, under the subject paragraph the date ''January 22, 2009'' should appear.

[FR Doc. Z9–1807 Filed 2–20–08; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59405; File No. SR–NASDAQ–2009–008]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Modify Rule 7050 Governing Pricing for Nasdaq Members Using the NASDAQ Options Market (''NOM'')

February 13, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1], and Rule 19b–4 thereunder,[2] notice is hereby given that on February 5, 2009, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. Nasdaq has filed this proposal pursuant to Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] Nasdaq has designated this proposal as establishing or changing a due, fee, or other charge applicable only to members, which renders the proposed rule change effective upon filing. 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 has filed a proposed rule change to modify Rule 7050 governing pricing for Nasdaq members using the NASDAQ Options Market (''NOM''), Nasdaq's facility for executing and routing standardized equity and index options. Proposed new language is italicized; proposed deletions are in brackets.[5]

* * * * *

7050. NASDAQ Options Market

The following charges shall apply to the use of the order execution and routing services of the NASDAQ Options Market by members for all securities that it trades.

(1) Fees for Execution of Contracts on the NASDAQ Options Market

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] Changes are marked to the rule text that appears in the electronic manual of Nasdaq found at *http://nasdaqomx.cchwallstreet.com.*

Except as specified below, the charge to member entering order that executes in the NASDAQ Options Market.	$0.45 per executed contract.
For a pilot period ending July 31, 2009, charge for members or non-members entering order via the Options Intermarket Linkage that executes in the Nasdaq Options Market.	$0.45 per executed contract.
Charge to members entering orders in options on QQQQ, SPY, DIA, [and] IWM, *AAPL, BAC, C, GS, JPM, RIMM, XLE, XLF, and XOM* with an account type ''Customer'' that executes and remove liquidity entered by another member.	No fee.
Credit to member providing liquidity through the NASDAQ Options Market:	$0.30 per executed contract.
Credit to member providing liquidity using price-improving orders through the NASDAQ Options Market:	$0.35 per executed contract.

(2)–(4) 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. 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

Nasdaq is proposing to lower the fee for the execution of options contracts for certain orders in certain options on the NASDAQ Options Market (''NOM''). On January 12, 2009, Nasdaq began permitting orders with an account type of ''Customer'' to take liquidity [6] for free in certain options. Nasdaq applied the new fee provision to options on four exchange-traded funds: QQQQ, SPY, DIA, and IWM. That proposal accomplished its goal of attracting liquidity to the Nasdaq Options Market.

Accordingly, Nasdaq now proposes to expand the application of that rule to additional options classes. Specifically, Nasdaq is proposing to apply the new fee provision to options on the following equities: AAPL, BAC, C, GS, JPM, RIMM, XLE, XLF, and XOM. Nasdaq will monitor the trading of options on these equities to ensure that the proposal is operating in a fashion that promotes the interests of investors.

To ensure that this reduction applies only to customers, the fee reduction will apply only when a customer order entered by one member takes liquidity provided by a different member. When a trade occurs in an included options class and the trade involves a customer removing liquidity that has been provided by the same broker dealer, the customer side of the transaction will be charged the standard rate for removing liquidity. For example, if participant A enters an order and then participant A accesses that liquidity with an order with an account type of ''Customer'', the ''Customer'' order is still charged $0.45 per executed contract.

This proposed rule change does not impact the liquidity provider rebates set forth in Nasdaq Rule 7050. Nor does it impact the fees assessed for orders executed in the Opening and Closing Crosses, or those orders routed to away markets.

Nasdaq believes that the proposed fees are competitive, fair and reasonable, and non-discriminatory in that they apply equally to all members and customers. As with all fees, Nasdaq may adjust these proposed fees in response to competitive conditions by filing a new proposed rule change.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[7] in general, and with Section 6(b)(4) of the Act,[8] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which Nasdaq operates or controls. As the seventh options market in the national market system, Nasdaq's fees must be competitive and low in order for Nasdaq to attract order flow, execute orders, and grow as a market. Nasdaq believes that its fees are fair and reasonable and consistent with the Exchange Act.

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. To the contrary, Nasdaq has designed its fees to compete effectively for the execution of options contracts and to reduce the overall cost to investors of options trading.

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

Pursuant to Section 19(b)(3)(A)(ii) of the Act [9] and Rule 19b–4(f)(2) thereunder,[10] Nasdaq has designated this proposal as establishing or changing a due, fee, or other charge applicable only to members, which renders the proposed rule change effective upon filing. Nasdaq will make the proposed pricing schedule operational on February 9, 2009.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–Nasdaq–2009–008 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary,

[6] An order that takes liquidity is one that is entered into NOM and that executes against an order resting on the NOM book.

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(4).

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4(f)(2).

Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2009–008. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing will also be available for inspection and copying at the principal office of the self-regulatory organization. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2009–008 and should be submitted on or before March 16, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–3741 Filed 2–20–09; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59407; File No. SR–BX–2009–008]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing of Proposed Rule Change Allowing Entry of Orders Into the PIP at a Price Matching the National Best Bid or Offer

February 13, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 9, 2009, NASDAQ OMX BX, Inc. (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 to amend Chapter V, Section 18 (Price Improvement Period) (''PIP'') of the Rules of the Boston Options Exchange Group, LLC (''BOX'') to allow Options Participants to enter orders into the PIP at a price that matches the national best bid or offer (''NBBO''). The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://nasdaqtrader.com/Trader.aspx?id=Boston_Stock_Exchange.*

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 purpose of this proposal is to expand the applicability of BOX's PIP auction.[3] The PIP currently allows Options Participants to enter two-sided orders for execution at a price that improves upon the NBBO. The customer side of these orders (''PIP Order'') is then exposed to all market participants to give them an opportunity to participate in the trade at the proposed cross price or better. This provides an opportunity for the PIP Order to receive additional price improvement. BOX proposes to extend the application of the PIP to permit an Options Participant to enter an order (''Improvement Order'') into the PIP at a price that is equal to the NBBO when BOX's best bid or offer (''BOX BBO'') is equal or inferior to the NBBO.[4] This will allow Options Participants to guarantee execution of their customer orders on BOX at a price that is at least as good as the NBBO, while providing the additional opportunity for price improvement over the NBBO.

PIP Orders are submitted to BOX with a matching guaranteed contra order, the ''Primary Improvement Order'', equal to the full size of the PIP Order. Under the proposal, the Primary Improvement Order must represent a price that is equal to or better than that of the NBBO at the time of the commencement of the PIP.[5] BOX will commence a PIP by broadcasting a message to all Participants that (1) states that a Primary Improvement Order has been processed; (2) contains information concerning series, size, price and side of the market, and; (3) states when the PIP will conclude (''PIP Broadcast''). At the commencement of the PIP, in order to maintain the price/time priority of any orders on the BOX Book, BOX proposes that all quotes and orders on the BOX Book prior to the PIP Broadcast that are equal to or better than the Primary Improvement Order price (i.e. the PIP start price), except any proprietary quote or order from the Options Participant who submitted the Primary Improvement Order, will be immediately executed against the PIP Order in price/time priority.[6]

In addition, such proprietary quote or order shall not be executed against the PIP Order during the PIP. However, these proprietary quotes or orders will continue to be available for execution with all other types of quotes and orders as currently permissible under BOX Rules. At the conclusion of the PIP, the PIP Order shall be matched against the best prevailing quote(s)[7] or order(s) on

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* BOX Rules Chapter V, Section 18(e).

[4] Similarly, ISE Rule 723 permits ISE members to enter an order into the PIM at a price that is equal to the NBBO when the ISE's best bid or offer is inferior to the NBBO. *See* Securities Exchange Act Release No. 57847 (May 21, 2008), 73 FR 30987 (May 29, 2008) (SR–ISE–2008–29).

[5] *See* proposed BOX Rules Chapter V, Section 18(e).

[6] *See* proposed BOX Rules Chapter V, Section 18(e)(i). Orders on the BOX Book will include AAO Limit Orders on the BOX Book. The AAO will immediately execute against the PIP Order at the AAO Limit Order Price (*i.e.* the displayed price at the minimum trading increment).

[7] The proposal will also clarify that the PIP Order currently executes with the best prevailing order(s) *and* quote(s) on BOX.

BOX in accordance with the current PIP rule except that any pre-PIP Broadcast proprietary quote or order from the Options Participant who submitted the Primary Improvement Order will not be executed against the PIP Order.[8]

BOX believes that the proposal will continue to provide customers with an opportunity for price improvement over the NBBO. BOX notes that once a Primary Improvement Order is submitted into the PIP auction, the Primary Improvement Order may not be cancelled.[9] Therefore, the PIP Order submitted to the PIP auction when BOX's BBO is not equal to the NBBO will be guaranteed an execution price at least equal to the NBBO and, moreover, will be given an opportunity for execution at a price better than the NBBO.

BOX's PIP allows broad participation in its competitive auction by all types of market participants (e.g. customers, brokers and market makers). All Options Participants are able to receive the PIP Broadcasts and may respond by submitting Improvement Orders. Under the proposal, the PIP will continue to provide an opportunity for orders to receive price improvement. All PIP Orders entered into the PIP will continue to be broadly exposed in the auction to all BOX Options Participants before the submitting Options Participant can execute against the PIP Order. BOX believes the proposal will increase the likelihood of Options Participants starting auctions by entering PIP Orders into the PIP because the Options Participant will only be required to guarantee an execution at the NBBO, which will provide additional customer orders an opportunity for price improvement over the NBBO. The proposal also will encourage increased participation in a PIP auction by Options Participants willing to trade with the PIP Order at the NBBO but not better than the NBBO. Increased participation by Options Participants would increase competition in the PIP auction and may lower the proportion of a PIP Order that would be internalized by the submitting Options Participant.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[10] in general, and Section 6(b)(5) of the Act,[11] 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. Specifically, the proposal will allow Options Participants to guarantee execution of their customer orders on BOX at a price that is at least as good as the NBBO, while providing the additional opportunity for price improvement over the NBBO.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange has neither solicited nor received comments on 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 the self-regulatory organization 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–BX–2009–008 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–BX–2009–008. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the self-regulatory organization. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2009–008 and should be submitted on or before March 16, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–3742 Filed 2–20–09; 8:45 am]

BILLING CODE 8011–01–P

[8] *See* proposed BOX Rules Chapter V, Section 18(e)(iii).

[9] *See* BOX Rules Chapter V, Section 18(e)(ii).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59402; File No. SR–Phlx–2009–08]

Self-Regulatory Organizations; NASDAQ OMX PHLX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change, as Modified by Amendment No. 1 Thereto, Relating to Reformatting Its Fee Schedule

February 13, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 29, 2009, NASDAQ OMX PHLX, Inc. (''Phlx'' 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 substantially prepared by the Exchange. On February 9, 2009, Phlx submitted Amendment No. 1 to the proposed rule change. The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its existing NASDAQ OMX PHLX, Inc. Fee Schedule (''fee schedule'') solely to create a more user-friendly fee schedule.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaqtrader.com/micro.aspx?id=PHLXRulefilings,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to reformat the fee schedule to make it more user-friendly. The newly proposed fee schedule includes the current fees, which remain unchanged. In the process of reformatting the schedule, additional connecting language was added where appropriate to provide clarity to the end-user. The proposal eliminates the current footnotes and reference symbols. The Exchange believes that by placing the language that is currently contained in footnotes and noted by symbols into the text of the fees and endnotes better displays any exceptions or exclusions referenced in those footnotes or symbols by more prominently displaying them in the text.

Additional non-substantive language has been added where appropriate because the Exchange removed the symbol references and footnotes and created sentences from those symbols and footnotes in order to explain the related text that was once referenced by the footnote or symbol. For example, in the Streaming Quote Trading [sic] fees the applicability of the permit credit is spelled out under each specific fee. Previously, these exceptions were referenced in footnotes so the reader had to further search the fee schedule to learn of the applicability of the permit credit.

The proposal makes clarifying changes to the Streaming Quote Trader Fees (''SQT'') and the Remote Streaming Quote Trader Fees (''RSQT'') in proposed endnotes 35 and 40. In the current fee schedule the footnotes analogous to proposed notes 35 and 40 appear in connection with categories I and II of the SQT fees and next to category I of the RSQT fees. The Exchange would like to clarify the placement of these footnotes as applicable to all SQT and RSQT fees respectively.[3]

Finally, the proposed fee schedule has added more headers for clarity and to better indicate the categories of fees. This proposed fee schedule makes additional references throughout the fee schedule to current footnote 15, which indicates who qualifies as a broker-dealer. Also, the first page of the proposed fee schedule displays the various categories for quick reference and clarification. These proposed changes, as previously mentioned, are non-substantive amendments and are added for the sole purpose of creating a simplified, easily readable format for displaying the various fees.

[3] *See* Securities Exchange Act Release Nos. 51453 (March 30, 2005), 70 FR 17495 (April 6, 2005) (SR–Phlx–2005–16) (adopting fees applicable to Streaming Quote Traders); 51428 (March 24, 2005), 70 FR 16325 (March 30, 2005) (SR–Phlx–2005–12) (adopting fees applicable to Remote Streaming Quote Traders).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[4] in general, and furthers the objectives of Section 6(b)(5) of the Act[5] in particular, in that it is designed to promote just and equitable principles of trade, 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, by providing the members with a more user-friendly fee schedule to better display the allocation of fees among Exchange members. The Exchange believes that this proposed format will provide additional transparency of Exchange fees.

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 Exchange 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

The foregoing proposed rule change is effective upon filing pursuant to Section 19(b)(3)(A)(ii) of the Act[6] and Rule 19b–4(f)(2) thereunder,[7] because it establishes or changes a due, fee, or other charge applicable only to a member imposed by the Exchange. 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,

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 240.19b–4(f)(2).

or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/sro.shtml);* or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2009–08 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–Phlx–2009–08. 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 will also 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 No. SR–Phlx–2009–08 and should be submitted on or before March 16, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–3740 Filed 2–20–09; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11645 and #11646]

Arkansas Disaster Number AR–00028

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Arkansas (FEMA–1819–DR), dated 02/06/2009.

Incident: Severe Winter Storm.

Incident Period: 01/26/2009 through 01/30/2009.

DATES: *Effective Date:* 02/12/2009.

Physical Loan Application Deadline Date: 04/07/2009.

Economic Injury (EIDL) Loan Application Deadline Date: 11/06/2009.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Arkansas, dated 02/06/2009, is hereby amended to establish the incident period for this disaster as beginning 01/26/2009 and continuing through 01/30/2009.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E9–3745 Filed 2–20–09; 8:45 am]

BILLING CODE 8025–01–P

[8] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11645 and #11646]

Arkansas Disaster Number AR–00028

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Arkansas (FEMA–1819–DR), dated 02/06/2009.

Incident: Severe Winter Storm.

Incident Period: 01/26/2009 and continuing.

DATES: *Effective Date:* 02/11/2009.

Physical Loan Application Deadline Date: 04/07/2009.

Economic Injury (EIDL) Loan Application Deadline Date: 11/06/2009.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Arkansas, dated 02/06/2009, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Cleburne, Conway, Crawford, Cross, Poinsett, Randolph.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E9–3744 Filed 2–20–09; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11652 and #11653]

Washington Disaster #WA–00021

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Washington (FEMA–1817–DR), dated 01/30/2009.

Incident: Severe Winter Storm, Landslides, Mudslides, and Flooding.

Incident Period: 01/06/2009 through 01/16/2009.

DATES: *Effective Date:* 01/30/2009.

Physical Loan Application Deadline Date: 03/31/2009.

Economic Injury (EIDL) Loan Application Deadline Date: 10/30/2009.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 01/30/2009, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Chelan, Clallam, Columbia, Cowlitz, Garfield, Grays Harbor, Jefferson, King, Kittitas, Klickitat, Lewis, Lincoln, Mason, Pacific, Pierce, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom, Yakima.

The Interest Rates are:

	Percent
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	4.500
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 11652B and for economic injury is 11653B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E9–3746 Filed 2–20–09; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11654 and #11655]

Oklahoma Disaster #OK–00028

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA–1820–DR), dated 02/15/2009.

Incident: Severe Storms and Tornadoes.

Incident Period: 02/10/2009 through 02/11/2009.

DATES: *Effective Date:* 02/15/2009.

Physical Loan Application Deadline Date: 04/16/2009.

Economic Injury (EIDL) Loan Application Deadline Date: 11/16/2009.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 02/15/2009, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Carter, Logan, Oklahoma.

Contiguous Counties (Economic Injury Loans Only):

Oklahoma: Canadian, Cleveland, Garfield, Garvin, Jefferson, Johnston, Kingfisher, Lincoln, Love, Marshall, Murray, Noble, Payne, Pottawatomie, Stephens.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	4.375
Homeowners Without Credit Available Elsewhere	2.187
Businesses With Credit Available Elsewhere	6.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	4.500
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 11654C and for economic injury is 116550.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E9–3747 Filed 2–20–09; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Sunshine Act Meetings; Unified Carrier Registration Plan Board of Directors

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

TIME AND DATE: March 5, 2009, from 12 noon until 3 p.m. Eastern Standard Time.

PLACE: This meeting will take place telephonically. Any interested person may call Mr. Avelino Gutierrez at (505) 827–4565 to receive the toll free number and pass code needed to participate in this meeting by telephone.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the Board) will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement and to that end, may consider matters properly before the Board.

FOR FURTHER INFORMATION CONTACT: Mr. Avelino Gutierrez, Chair, Unified Carrier Registration Plan Board of Directors at (505) 827–4565.

Dated: February 18, 2009.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E9–3921 Filed 2–19–09; 4:15 pm]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD 2009 0016]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel ZINGARO.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime

Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2009–0016 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

DATES: Submit comments on or before March 25, 2009.

ADDRESSES: Comments should refer to docket number MARAD–2009–0016. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., *e.t.*, Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel ZINGARO is:

Intended Use: ''Advanced Sailing Instruction in conjunction with owner's ASA sailing school.''

Geographic Region: ''Chesapeake Bay: Maryland, Virginia, Delaware.''

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Dated: February 16, 2009.

By order of the Maritime Administrator.

Leonard Sutter,

Secretary, Maritime Administration.

[FR Doc. E9–3799 Filed 2–20–09; 8:45 am]

BILLING CODE 4910–81–P

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