AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Federal Register

3–12–09 Thursday
Vol. 74 No. 47 Mar. 12, 2009

Pages 10673–10810

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

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

RESERVATIONS: (202) 741–6008

Printed on recycled paper.

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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 AGRICULTURE

Natural Resources Conservation Service

7 CFR Part 636

RIN 0578–AA49

Wildlife Habitat Incentive Program Correction

AGENCY: Natural Resources Conservation Service, United States Department of Agriculture.

ACTION: Interim final rule; correction and extension of comment period.

SUMMARY: The Natural Resources Conservation Service published in the **Federal Register** of January 16, 2009, an interim final rule with request for comment amending the program regulations for the Wildlife Habitat Incentive Program (WHIP) to incorporate programmatic changes authorized by the Food, Conservation, and Energy Act of 2008 (2008 Act). The language in the interim final rule regarding the application of the payment limitation to joint operations was incorrect and is inconsistent with payment attributions specified in the regulation which governs payment limitations and eligibility determinations for CCC-funded programs. This document corrects that language. NRCS is also using the opportunity presented by this rulemaking to extend the comment period by an additional 30 days and ask for public input on key programmatic implementation questions.

DATES: This correction is effective on March 12, 2009. The comment period for the WHIP Interim Final Rule published on January 16, 2009, is hereby extended and comments must be received on or before April 17, 2009. Additionally, NRCS has extended the public comment period for the Environmental Analysis (EA) and Finding of No Significant Impact (FONSI) until April 17, 2009. A copy of the EA and FONSI may be obtained, and comments submitted, as provided for in the January 16, 2009, WHIP interim final rule.

FOR FURTHER INFORMATION CONTACT: Gregory Johnson, Director, Financial Assistance Programs Division, U.S. Department of Agriculture, Natural Resources Conservation Service, Room 5237, P.O. Box 2890, Washington, DC 20013–2890; Phone: (202) 720–1845; Fax: (202) 720–4265.

SUPPLEMENTARY INFORMATION: The NRCS published an interim final rule in the **Federal Register** of January 16, 2009 (74 FR 2786), amending the program regulations for WHIP found at 7 CFR part 636. The language in the interim final rule regarding the application of the payment limitation to joint operations was incorrect. The WHIP interim final rule inadvertently applied the $50,000 annual payment limitation to joint operations by applying the payment limitation with the term ''participants,'' which is defined to include ''joint operations.'' A joint operation is composed of members who may be either persons or legal entities. As specified under 7 CFR part 1400, payment limitations are determined on a pro-rata basis in accordance with the ''interest held by the person or legal entity in any other legal entity or joint operation.'' Based on how joint operations are characterized in part 1400.106, the $50,000 annual payment limit applies to each person or legal entity that comprises the joint operation. Within the 7 CFR 636's preamble, the discussion on payment limitation should apply solely to persons or legal entities. NRCS removes references to payment limitations applying to joint operations.

Request for Public Input

USDA furthers the Nation's ability to increase renewable energy production and conservation, mitigate the effects and adapt to climate change, and reduce net carbon and greenhouse gas (GHG) emissions through various assistance programs.

USDA is increasing renewable energy production through facilitating the availability, adoption, and use of wind, solar, and biofuel energy sources. USDA encourages renewable energy production by funding biofuel technology transfer under Conservation Innovation Grants and through facilitating wind and solar power generation facilities for on-farm use on conservation lands under the Conservation Reserve Program and the Grassland Reserve Program.

Energy conservation is improved through more efficient equipment and processes. The Environmental Quality Incentives Program (EQIP) fosters energy conservation on farms and ranches by promoting efficient water irrigation systems, no-till, and nutrient management and promoting renewable energy production by installing solar-generated electric fences.

The effects of climate change can be mitigated through improving the adaptability of ecosystems and flexibility of agricultural management systems, including reductions in GHG emissions. WHIP improves ecosystem adaptability by enhancing wildlife habitat biodiversity and the Agricultural Management Assistance program promotes flexible management system through integrated pest management.

Climate change adaptation occurs through the adoption of alternative management systems which respond to changes such as decreasing precipitation, longer growing seasons, and increasing vulnerability to pest damage. USDA conservation programs, such as the Agricultural Water Enhancement Program, encourage the adoption of water conservation systems and dry land farming.

Net carbon emissions can be reduced by reducing fossil fuel use or increasing the land's carbon storage capacity. USDA conservation programs, such as EQIP, assist participants with reducing fossil fuel use through no-till and other conservation tillage cropping systems which require fewer trips over a field with a tractor. The Wetlands Reserve Program and Healthy Forests Reserve Program sequester carbon by encouraging agricultural land reforestation. The Conservation Stewardship Program encourages conservation tillage activities that improve soil carbon storage.

While much is underway, USDA has adopted a proactive strategy to increase its ability to meet these critical national needs. Therefore, NRCS is using this rulemaking opportunity to obtain input from the public on how WHIP can achieve its program purposes and

further the Nation's efforts with renewable energy production, energy conservation, mitigating the effects of climate change, facilitating climate change adaptation, or reducing net carbon emissions. For further information on these subjects you may wish to look at the following Web site: *http://www.koshland-science-museum.org/exhibitgcc/.*

■ For the reasons stated in the preamble, the NRCS amends part 636 of Title 7 of the Code of Federal Regulations as set forth below:

PART 636—WILDLIFE HABITAT INCENTIVE PROGRAM

■ 1. The authority citation for part 636 continues to read as follows:

Authority: 16 U.S.C. 3839bb–1.

■ 2. Section 636.4 is amended by revising paragraph (a)(11) to read as follows:

* * * * *

§ 636.4 Program requirements.

* * * * *

(a) * * *

(11) With regard to any person or legal entity that utilizes a unique identification number as an alternative to a tax identification number, the person or legal entity will utilize only that identifier for any and all other WHIP cost-share agreements to which the person or legal entity is party. Violators will be considered to have provided fraudulent representation and be subject to the full penalties of § 638.13 of this part.

* * * * *

■ 3. Section 636.7 is amended by revising paragraph (f) to read as follows:

§ 636.7 Cost-share payments.

* * * * *

(f) Payments made or attributed to a person or legal entity, directly or indirectly, may not exceed in the aggregate, $50,000 per year.

* * * * *

Signed this 4th day of March 2009, in Washington, DC.

Dave White,

Acting Vice President, Commodity Credit Corporation and Acting Chief, Natural Resources Conservation Service.

[FR Doc. E9–5083 Filed 3–11–09; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1465

RIN 0578–AA50

Agricultural Management Assistance Program Correction

AGENCY: Commodity Credit Corporation, United States Department of Agriculture.

ACTION: Interim final rule; correction.

SUMMARY: The Commodity Credit Corporation (CCC) published in the **Federal Register** of November 20, 2008, an interim final rule with request for comment amending the program regulations for the Agricultural Management Assistance (AMA) Program to incorporate programmatic changes authorized by the Food, Conservation, and Energy Act of 2008 (2008 Act). The language in the interim final rule regarding the application of the payment limitation to joint operations was incorrect and is inconsistent with payment attributions specified in the regulation which governs payment limitations and eligibility determinations for CCC-funded programs. This document corrects that language.

DATES: This correction is effective on March 12, 2009.

FOR FURTHER INFORMATION CONTACT: Gregory Johnson, Director, Financial Assistance Programs Division, U.S. Department of Agriculture, Natural Resources Conservation Service, Room 5237, P.O. Box 2890, Washington, DC 20013–2890; Phone: (202) 720–1845; Fax: (202) 720–4265.

SUPPLEMENTARY INFORMATION: The CCC published an interim final rule in the **Federal Register** of November 20, 2008 (73 FR 70245), amending the program regulations for the AMA found at 7 CFR part 1465. The language in the interim final rule regarding the application of the payment limitation to joint operations was incorrect. The AMA interim final rule inadvertently applied the $50,000 annual payment limitation to joint operations, by applying the payment limitation to the term ''participants,'' which is defined to include ''joint operations.'' A joint operation is composed of members who may be either persons or legal entities. As specified under 7 CFR part 1400, payment limitations are determined on a pro-rata basis in accordance with the ''interest held by the person or legal entity in any other legal entity or joint operation.'' Based on how joint operations are characterized in part 1400.106, the $50,000 annual payment limit applies to each person or legal entity that comprises the joint operation. Within the preamble of 7 CFR part 1465, the discussion on payment limitation should apply solely to persons or legal entities. CCC deletes the preamble's references to payment limitations applying to joint operations.

■ For the reasons stated in the preamble, the CCC amends part 1465 of Title 7 of the Code of Federal Regulations as set forth below:

PART 1465—AGRICULTURAL MANAGEMENT ASSISTANCE

■ 1. The authority citation for part 1465 continues to read as follows:

Authority: 7 U.S.C. 1524(b).

■ 2. Section 1465.23 is amended by revising paragraph (d) to read as follows:

§ 1465.23 Payments.

* * * * *

(d) The total amount of payments paid to a person or legal entity under this part may not exceed $50,000 for any fiscal year.

* * * * *

Signed this 4th day of March, 2009, in Washington, DC.

Dave White,

Acting Vice President, Commodity Credit Corporation and Acting Chief, Natural Resources Conservation Service.

[FR Doc. E9–5093 Filed 3–11–09; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1466

RIN 0578–AA45

Environmental Quality Incentives Program Correction

AGENCY: Commodity Credit Corporation, Natural Resources Conservation Service, United States Department of Agriculture.

ACTION: Interim final rule; correction; extension of comment period.

SUMMARY: The Commodity Credit Corporation (CCC) published in the **Federal Register** of January 15, 2009, an interim final rule with request for comment amending the program regulations for the Environmental Quality Incentives Program (EQIP) to incorporate programmatic changes authorized by the Food, Conservation,

and Energy Act of 2008 (2008 Act). The language in the interim final rule regarding the application of the payment limitation to joint operations was incorrect and is inconsistent with payment attributions specified in the regulation which governs payment limitations and eligibility determinations for CCC-funded programs. This document corrects that language. CCC is also using the opportunity presented by this rulemaking to extend the comment period and ask for public input on key programmatic implementation questions.

DATES: This correction is effective on March 12, 2009. Submit comments on or before April 17, 2009. The comment period for the EQIP Interim Final Rule published on January 15, 2009 (74 FR 2293) is hereby extended and comments must be received on or before April 17, 2009. Additionally, NRCS has reopened and extended the public comment period for the Environmental Analysis (EA) and Finding of No Significant Impact (FONSI) until April 17, 2009. A copy of the EA and FONSI may be obtained, and comments submitted, as provided for in the January 15, 2009, EQIP interim final rule.

FOR FURTHER INFORMATION CONTACT: Gregory Johnson, Director, Financial Assistance Programs Division, U.S. Department of Agriculture, Natural Resources Conservation Service, Room 5237, P.O. Box 2890, Washington, DC 20013–2890; Phone: (202) 720–1845; Fax: (202) 720–4265.

SUPPLEMENTARY INFORMATION: The CCC published an interim final rule in the **Federal Register** of January 15, 2009 (74 FR 2293), amending the program regulations for EQIP found at 7 CFR part 1466. The language in the interim final rule regarding the application of the payment limitation to joint operations was incorrect. The EQIP interim final rule inadvertently applied the $300,000 payment limitation to joint operations. A joint operation is composed of members who may be either persons or legal entities. As specified under 7 CFR part 1400, payment limitations are determined on a pro-rata basis in accordance with the ''interest held by the person or legal entity in any other legal entity or joint operation.'' Based on how joint operations are characterized in part 1400.106, the $300,000 payment limit applies to each person or legal entity that comprises the joint operation. Within the preamble of 7 CFR part 1466, the discussion on payment limitation should apply solely to persons or legal entities. References in that preamble to payment limitations on joint operations are hereby deleted.

Request for Public Input

USDA furthers the Nation's ability to increase renewable energy production and conservation, mitigate the effects and adapt to climate change, and reduce net carbon and greenhouse gas (GHG) emissions through various assistance programs.

USDA is increasing renewable energy production through facilitating the availability, adoption, and use of wind, solar, and biofuel energy sources. USDA encourages renewable energy production by funding biofuel technology transfer under Conservation Innovation Grants and through facilitating wind and solar power generation facilities for on-farm use on conservation lands under the Conservation Reserve Program and the Grassland Reserve Program.

Energy conservation is improved through more efficient equipment and processes. EQIP fosters energy conservation on farms and ranches by promoting efficient water irrigation systems, no-till, and nutrient management and promoting renewable energy production by installing solar-generated electric fences.

The effects of climate change can be mitigated through improving the adaptability of ecosystems and flexibility of agricultural management systems, including reductions in GHG emissions. The Wildlife Habitat Incentive Program improves ecosystem adaptability by enhancing wildlife habitat biodiversity, and the Agricultural Management Assistance program promotes flexible management system through integrated pest management.

Climate change adaptation occurs through the adoption of alternative management systems which respond to changes such as decreasing precipitation, longer growing seasons, and increasing vulnerability to pest damage. USDA conservation programs, such as the Agricultural Water Enhancement Program, encourage the adoption of water conservation systems and dry land farming.

Net carbon emissions can be reduced by reducing fossil fuel use or increasing the land's carbon storage capacity. USDA conservation programs, such as EQIP, assist participants with reducing fossil fuel use through no-till and other conservation tillage cropping systems which require fewer trips over a field with a tractor. The Wetlands Reserve Program and Healthy Forests Reserve Program sequester carbon by encouraging agricultural land reforestation. The Conservation Stewardship Program encourages practices that improve soil carbon storage.

While much is underway, USDA has adopted a proactive strategy to increase its ability to meet these critical National needs. Therefore, CCC is using this rulemaking opportunity to obtain input from the public on how EQIP can achieve its program purposes and further the Nation's efforts with renewable energy production, energy conservation, mitigating the effects of climate change, facilitating climate change adaptation, or reducing net carbon emissions. For further information on these subjects you may wish to look at the following Web site: *http://www.koshland-science-museum.org/exhibitgcc/.*

■ For the reasons stated in the preamble, the CCC amends part 1466 of Title 7 of the Code of Federal Regulations as set forth below:

PART 1466—ENVIRONMENTAL QUALITY INCENTIVES PROGRAM

■ 1. The authority citation for part 1466 continues to read as follows:

Authority: 15 U.S.C. 714b and 714c; 16 U.S.C. 3839aa–3839aa–8.

■ 2. Amend § 1466.24 by revising paragraphs (a), (b), and (c) to read as follows:

§ 1466.24 EQIP Payments.

(a) Except for contracts entered into prior to October 1, 2008, or as provided in paragraph (b) of this section, the total amount of payments paid to a person or legal entity under this Part may not exceed an aggregate of $300,000, directly or indirectly, for all contracts, including prior year contracts, entered into during any 6-year period. For the purpose of applying this requirement, the 6-year period will include those payments made in fiscal years 2009–2014. Payments received for technical assistance shall be excluded from this limitation.

(b) The Chief may waive the $300,000 payment limitation, allowing up to $450,000 per person or legal entity for projects of special environmental significance, as defined in § 1466.21(d).

(c) Payments for conservation practices related to organic production to a person or legal entity, directly or indirectly, may not exceed in aggregate $20,000 per year or $80,000 during any 6-year period.

* * * * *

Signed this 4th day of March 2009, in Washington, DC.

Dave White,

Acting Vice President, Commodity Credit Corporation and Acting Chief, Natural Resources Conservation Service.

[FR Doc. E9–5087 Filed 3–11–09; 8:45 am]

BILLING CODE 3410–16–P

FEDERAL ELECTION COMMISSION

11 CFR Parts 100, 104 and 110

[Notice 2009–03]

Reporting Contributions Bundled by Lobbyists, Registrants and the PACs of Lobbyists and Registrants

Correction

In rule document E9–2838 beginning on page 7285 in the issue of Tuesday, February 17, 2009 make the following correction:

On page 7288, in the third column, in the first paragraph, in the second line,

''are given, they must d''

should read

''are given, they must disclose applicable contributions of the PAC on their semi-annual reports.''.

[FR Doc. Z9–2838 Filed 3–11–09; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2009–0053; Airspace Docket No. 09–ASO–11]

Modification of Class D and E Airspace, Removal of Class E Airspace; Aguadilla, PR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule, request for comments.

SUMMARY: This action modifies Class D Airspace, modifies Class E airspace designated as an extension to Class D surface area and removes Class E airspace designated as surface area for an airport at Aguadilla, PR. The Rafael Hernandez Airport Air Traffic Control Tower will now operate on a full-time basis, thus the associated controlled airspace is being modified and removed to reflect the change. This action enhances the National Airspace System by providing controlled airspace in the vicinity of Aguadilla, PR.

DATES: Effective 0901 UTC, May 7, 2009. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments. Comments for inclusion in the Rules Docket must be received on or before April 27, 2009.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2009–0053; Airspace Docket No. 09–ASO–11, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.*

You may review the public docket containing the rule, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, Georgia 30337.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, Operations Support Group, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; Telephone (404) 305–5610, Fax 404–305–5572.

SUPPLEMENTARY INFORMATION:

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comments, and, therefore, issues it as a direct final rule. The FAA has determined that this rule only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Unless a written adverse or negative comment or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the effective date. If the FAA receives, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a direct final rule, and was not preceded by a notice of proposed rulemaking, interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. The direct final rule is used in this case to facilitate the timing of the charting schedule and enhance the operation at the airport, while still allowing and requesting public comment on this rulemaking action. An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov.* Communications should identify both docket numbers and be submitted in triplicate to the address specified under the caption **ADDRESSES** above or through the website. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. Those wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2009–0053; Airspace Docket No. 09–ASO–11.'' The postcard will be date stamped and returned to the commenter.

The Rule

The FAA is amending Title 14, Code of Federal Regulations (14 CFR) part 71 by modifying the Class D and E airspace descriptions at Aguadilla, PR to reflect the change to full-time operations of the Air Traffic Control Tower of the Rafael

Hernandez Airport. The reference used in the legal descriptions to impart a part-time operation of the Class D and E Airspace designated as an extension to Class D surface area (E4) is being removed. The Class E airspace designated as surface area for an airport (E2) will no longer be required since the Class D Airspace will be in effect continuously, thus, this amendment removes that E2 airspace associated with Aguadilla, PR. Controlled airspace extending upward from the surface of the Earth is required to encompass the airspace necessary for instrument approaches for aircraft operating under Instrument Flight Rules (IFR). The current Class D and E4 airspace areas are sufficient for these approaches; no additional controlled airspace must be defined. Designations for Class D and E airspace areas extending upward from the surface of the Earth are published in FAA Order 7400.9S, signed October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR 71.1. The Class D and E designations listed in this document will be published subsequently in the Order.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies controlled airspace at Aguadilla, PR.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

■ 1. The authority citation for Part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASO PR D Aguadilla, PR [REVISED]

Rafael Hernandez Airport, PR
(Lat. 18°29′42″ N., long 67°07′46″ W.)

That airspace extending upward from the surface of the Earth to and including 2,700 feet MSL within a 4.5-mile radius of the Rafael Hernandez Airport.

* * * * *

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ASO PR E2 Aguadilla, PR [REMOVE]

Rafael Hernandez Airport, PR

* * * * *

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

* * * * *

ASO PR E4 Aguadilla, PR [REVISED]

Rafael Hernandez Airport, PR
(Lat. 18°29′42″ N., long 67°07′46″ W.)
Borinquen VORTAC
(Lat. 18°29′53″ N., long 67°06′30″ W.)

That airspace extending upward from the surface within 2.4 miles each side of the Borinquen VORTAC 257° radial extending from the 4.5 mile radius to 7 miles west of the VORTAC.

* * * * *

Issued in College Park, Georgia, on February 25, 2009.

Barry A. Knight,

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

[FR Doc. E9–5282 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 402

[Docket No. SLSDC 2009–0003]

RIN 2135–AA29

Tariff of Tolls

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Final rule.

SUMMARY: The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Tariff of Tolls in their respective jurisdictions. The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the SLSDC and the SLSMC. The SLSDC is revising its regulations to reflect the fees and charges levied by the SLSMC in Canada. The Tariff of Tolls became effective in Canada in 2008. For consistency, because these are, under international agreement, joint regulations, and to avoid confusion among users of the Seaway, the SLSDC finds that there is good cause to make this U.S. version of the amendments effective upon publication. (See **SUPPLEMENTARY INFORMATION.**)

DATES: This rule is effective on March 12, 2009.

FOR FURTHER INFORMATION CONTACT: Carrie Mann Lavigne, Chief Counsel, Saint Lawrence Seaway Development Corporation, 180 Andrews Street, Massena, New York 13662; 315–764–3200.

SUPPLEMENTARY INFORMATION: The Saint Lawrence Seaway Development

Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Tariff of Tolls (Schedule of Fees and Charges in Canada) in their respective jurisdictions. The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the SLSDC and the SLSMC. The SLSDC is revising 33 CFR 402.8, ''Schedule of tolls'', to reflect the fees and charges levied by the SLSMC in Canada since 2008. The changes affect the tolls for commercial vessels and are applicable only in Canada. The collection of tolls by the SLSDC on commercial vessels transiting the U.S. locks is waived by law (33 U.S.C. 988a(a)). Accordingly, no notice or comment is necessary on these amendments.

Regulatory Notices

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.regulations.gov.*

Regulatory Evaluation

This regulation involves a foreign affairs function of the United States and therefore Executive Order 12866 does not apply and evaluation under the Department of Transportation's Regulatory Policies and Procedures is not required.

Regulatory Flexibility Act Determination

I certify this regulation will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Tariff of Tolls primarily relate to commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

Environmental Impact

This regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et reg.*) because it is not a major federal action significantly affecting the quality of the human environment.

Federalism

The Corporation has analyzed this rule under the principles and criteria in Executive Order 13132, dated August 4, 1999, and has determined that this proposal does not have sufficient federalism implications to warrant a Federalism Assessment.

Unfunded Mandates

The Corporation has analyzed this rule under Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48) and determined that it does not impose unfunded mandates on State, local, and tribal governments and the private sector requiring a written statement of economic and regulatory alternatives.

Paperwork Reduction Act

This regulation has been analyzed under the Paperwork Reduction Act of 1995 and does not contain new or modified information collection requirements subject to the Office of Management and Budget review.

List of Subjects in 33 CFR Part 402

Vessels, Waterways.

■ Accordingly, the Saint Lawrence Seaway Development Corporation is amending 33 CFR Part 402, Tariff of Tolls, as follows:

PART 402—TARIFF OF TOLLS

■ 1. The authority citation for Part 402 continues to read as follows:

Authority: 33 U.S.C. 983(a), 984(a)(4) and 988, as amended; 49 CFR 1.52.

■ 2. Section 402.3 is amended by:
■ a. Removing paragraphs (k) and (l);
■ b. Removing the first-level paragraph designations from paragraphs (a) through (j) and (m) through (p); and
■ c. Adding the following new definitions in alphabetical order to read as follows:

§ 402.3 Interpretation.

* * * * *

Carrier means any company, or its representative, engaged in physically moving a cargo between an origin and a destination.

Commodity means cargo that has been defined as a commodity in the Manager's then current publicly announced commodity codes.

Closing Date means in respect of a year, the first date in such year after the opening date on which both the Montreal-Lake Ontario portion and the Welland Canal portion of the Seaway are closed for vessel traffic.

* * * * *

Great Lakes/St. Lawrence Seaway System means all ports in the Great Lakes and the St. Lawrence River.

Incremental volume means the portion of tonnage shipped through the Seaway by a specific shipper/receiver in a given season, above the pre-approved maximum tonnage realized by that specific shipper/receiver over the previous five (5) navigation seasons.

* * * * *

Maximum volume means the highest total annual tonnage of a specific commodity that a shipper/receiver has shipped through the Seaway over the previous 5 years.

* * * * *

Navigation season means the period commencing on an opening date and ending on the next closing date.

New Business means:

(1) Containerized cargo moved by ship in the Seaway at any time in a navigation season;

(2) A commodity/origin/destination combination in which the commodity moved by ship in the Seaway at any time in a navigation season:

(i) Originating at a point inside Canada or the United States of America or at a country outside Canada or the United States of America, provided that such commodity has not originated from such point or country, as the case may be, at any time in any of the five consecutive navigation seasons immediately preceding the then current navigation season;

(ii) Destined to a point inside Canada or the United States of America or a country outside Canada or the United States of America, provided that such commodity has not been destined to such point or country, as the case may be, at any time in any of the five consecutive navigation seasons immediately preceding the then current navigation season;

(iii) Originating at a point inside Canada or the United States of America or a country outside Canada or the United States of America and destined to a point inside Canada or the United States of America or a country outside Canada or the United States of America, provided that such Commodity was previously moved, in lieu of movement by ship, by any mode of transportation other than by ship at all times in the five consecutive navigation seasons immediately preceding the then current navigation season; or

(iv) That has not moved through either section of the Seaway in any of the five consecutive navigation seasons immediately preceding the then current navigation season, in a volume exceeding 10,000 metric tons.

Opening date means, in respect of any year, the earliest date in such year on which either the Montreal-Lake Ontario portion or the Welland Canal portion of the Seaway is opened for vessel traffic, provided however that if such date is prior to April 1 the opening date in such year shall be deemed to be the 1st day of April in such year.

* * * * *

Section of the Seaway means either the Montreal-Lake Ontario portion of the Seaway or the Welland Canal portion of the Seaway.

Shipper/receiver means any company who owns or buys the cargo that is being shipped through the Seaway.

* * * * *

Volume rebate means a percentage reduction, as part of an initiative program, offered on applicable cargo tolls for shipments of a specific commodity above and beyond a pre-approved historical maximum volume.

■ 3. Section 402.4 is amended by revising paragraph (a), removing paragraphs (d), (e), and (f), and adding a new paragraph (d) to read as follows:

§ 402.4 Tolls

(a) Every vessel entering, passing through or leaving the Seaway shall pay a toll that is the sum of each applicable charge in § 402.10. Each charge is calculated based on the description set out in column 1 of § 402.10 and the rate set out in column 2 or 3.

* * * * *

(d) The two (2) incentive programs, New Business and Volume Rebate, are exclusive and cannot be applied at the same time on the same cargo movement.

§ 402.9 [Redesignated as § 402.11]

■ 4. Section 402.9 is redesignated as § 402.11 and the heading is revised to read as follows:

§ 402.11 Operational surcharges—no postponements.

* * * * *

§ 402.10 [Redesignated as § 402.12]

■ 5. Section 402.10 is redesignated as § 402.12 and the heading is revised to read as follows:

§ 402.12 Operational surcharges—after postponements.

* * * * *

§ 402.7 [Redesignated as § 402.9]

■ 6. Section 402.7 is redesignated as § 402.9 and the heading is revised to read as follows:

§ 402.9 Coming into force.

§ 402.5 [Redesignated as § 402.7]

■ 7. Section 402.5 is redesignated as § 402.7 and the heading is revised to read as follows:

§ 402.7 Description and weight of cargo.

* * * * *

■ 8. A new § 402.5 is added to read as follows:

§ 402.5 New business incentive program

(a) To be eligible for the rebate applicable under the New Business Incentive Program, a carrier must submit an application to the Manager for the proposed commodity/origin/destination combination to be approved and accepted under the rules of the New Business Incentive Program promulgated and administered from time to time by the Manager.

(b) Containerized cargo, whatever the origin or destination, moved by ship in the Seaway at any time in the navigation seasons commencing in 2008, 2009, 2010, 2011 and 2012 qualifies as New Business.

(c) A commodity/origin/destination combination that qualifies as New Business after the 30th day of September in any navigation season continues to qualify as New Business in the two consecutive navigation seasons; and

(d) A commodity/origin/destination combination that qualifies as New Business after the 30th day of September in any navigation season continues to qualify as New Business in the three consecutive navigation seasons immediately following the then current navigation season.

§ 402.8 [Redesignated as § 402.10]

■ 9. Section 402.8 is redesignated as § 402.10 and revised to read as follows:

§ 402.10 Schedule of tolls.

Item/description of charges Column 1	Rate ($) Montreal to or from Lake Ontario (5 locks) Column 2	Rate ($) Welland Canal—Lake Ontario to or from Lake Erie (8 locks) Column 3
1. Subject to item 3, for complete transit of the Seaway, a composite toll, comprising:		
(1) a charge per gross registered ton of the ship, applicable whether the ship is wholly or partially laden, or is in ballast, and the gross registered tonnage being calculated according to prescribed rules for measurement or under the International Convention on Tonnage Measurement of Ships, 1969, as amended from time to time [1].	0.0966	0.1546.
(2) a charge per metric ton of cargo as certified on the ship's manifest or other document, as follows:		
(a) bulk cargo	1.0012	0.6834.
(b) general cargo	2.4124	1.0936.
(c) steel slab	2.1833	0.7829.
(d) containerized cargo	1.0012	0.6834.
(e) government aid cargo	n/a	n/a.
(f) grain	0.6151	0.6834.
(g) coal	0.6151	0.6834.
(3) a charge per passenger per lock	1.5000	1.5000.
(4) a lockage charge per Gross Registered Ton of the vessel, as defined in item 1(1), applicable whether the ship is wholly or partially laden, or is in ballast, for transit of the Welland Canal in either direction by cargo ships.	n/a	0.2575.
Up to a maximum charge per vessel	n/a	3,600.00.
2. Subject to item 3, for partial transit of the Seaway	20 per cent per lock of the applicable charge under items 1(1) and (2) plus the applicable charge under items 1(3) and (4).	13 per cent per lock of the applicable charge under items 1(1) and (2) plus the applicable charge under items 1(3) and (4).

Item/description of charges Column 1	Rate ($) Montreal to or from Lake Ontario (5 locks) Column 2	Rate ($) Welland Canal—Lake Ontario to or from Lake Erie (8 locks) Column 3
3. Minimum charge per vessel per lock transited for full or partial transit of the Seaway.	25.00	25.00.
4. A charge per pleasure craft per lock transited for full or partial transit of the Seaway, including applicable federal taxes [2].	25.00 [3]	25.00.
6. Under the New Business Initiative Program, for cargo accepted as New Business, a percentage rebate on the applicable cargo charges for the approved period.	20%	20%.
7. Under the Volume Rebate Incentive program, a retroactive percentage rebate on cargo tolls on the incremental volume calculated based on the pre-approved maximum volume.	10%	10%.

[1] Or under the US GRT for ships prescribed prior to 2002.
[2] The applicable charge at the Saint Lawrence Seaway Development Corporation's locks (Eisenhower, Snell) for pleasure craft is $30 U.S. or $30 Canadian per lock. The applicable charge under item 3 at the Saint Lawrence Seaway Development Corporation's locks (Eisenhower, Snell) will be collected in U.S. dollars. The other amounts are in Canadian dollars and are for the Canadian share of tolls. The collection of the U.S. portion of tolls for commercial vessels is waived by law (33 U.S.C. 998a(a)).
[3] Pleasure craft rates-subject to change in subsequent years.

§ 402.6 [Redesignated as § 402.8]

■ 10. Section 402.6 is redesignated as § 402.8 and amended by revising the heading and paragraphs (a) and (b) to read as follows:

§ 402.8 Post-clearance date operational surcharges.

(a) Subject to paragraph (b) of this section, a vessel that reports for its final transit of the Seaway from a place set out in column 1 of § 402.11 within a period after the clearance date established by the Manager and the Corporation set out in column 2 of 402.11 shall pay operational surcharges in the amount set out in column 3 of 402.11, prorated on a per-lock basis.

(b) If surcharges are postponed for operational or climatic reasons, a vessel that reports for its final transit of the Seaway from a place set out in column 1 within a period after the clearance date established by the Manager and the Corporation set out in column 2 shall pay operational surcharges in the amount set out in column 3, prorated on a per-lock basis.

* * * * *

■ 11. A new § 402.6 is added to read as follows:

§ 402.6 Volume Rebate Incentive program

(a) To be eligible to the Volume Rebate Incentive program:

(1) A shipper/receiver in the Great lakes/St. Lawrence Seaway System must submit to the Manager for approval, before June 30th of every season, the commodity, as defined under the Manager's commodity classification, for which a Volume Rebate is sought, the origin or destination of the commodity, and a proof of the maximum volume of the commodity the shipper/receiver has shipped over the last 5 years from that origin or to that destination.

(2) The shipper/receiver must already move the commodity, as defined under the Manager's commodity classification, through the Seaway at a minimum of 100,000 tonnes per season for the past five navigation seasons.

(b) Once approved by the Manager, the maximum volume will become the basis on which to calculate the incremental volume.

(c) The Volume Rebate Incentive program is not accessible at the end of the navigation season without a pre-approved maximum volume within the set deadline.

(d) The same cargo volume can only be used by one shipper/receiver.

(e) For the Volume Rebate to be applicable, the total volume of the commodity shipped through the Seaway must also increase during the navigation season.

Issued at Washington, DC on March 2, 2009.

Saint Lawrence Seaway Development Corporation.

Collister Johnson, Jr.,

Administrator.

[FR Doc. E9–4918 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–61–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[EPA–R06–RCRA–2008–0418; SW–FRL–8776–4]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Environmental Protection Agency (EPA) is granting a petition submitted by Bayer Material Science in Baytown, Texas to exclude (or delist) the toluene diisocyanate (TDI) residues generated from its facility located in Baytown, Texas from the lists of hazardous wastes. This final rule responds to the petition submitted by Bayer Material Science to delist K027 TDI residues generated from the facility's distillation units.

After careful analysis and use of the Delisting Risk Assessment Software (DRAS), EPA has concluded the petitioned waste is not hazardous waste. This exclusion applies to 9,780 cubic yards per year of the K027 residues. Accordingly, this final rule excludes the petitioned waste from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA) when it is disposed in a Subtitle D Landfill.

DATES: *Effective Date:* March 12, 2009.

ADDRESSES: The public docket for this final rule is located at the Environmental Protection Agency Region 6, 1445 Ross Avenue, Dallas, Texas 75202, and is available for viewing in EPA Freedom of Information Act review room on the 7th floor from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. Call (214) 665–6444 for appointments. The reference number for this docket is EPA–R06–RCRA–2008–0418. The public may copy material from any regulatory docket at no cost for the first 100 pages and at a cost of $0.15 per page for additional copies.

FOR FURTHER INFORMATION CONTACT: Ben Banipal, Section Chief of the Corrective Action and Waste Minimization Section, Multimedia Planning and Permitting Division (6PD–C),

Environmental Protection Agency Region 6, 1445 Ross Avenue, Dallas, Texas 75202.

For technical information concerning this notice, contact Michelle Peace, Environmental Protection Agency Region 6, 1445 Ross Avenue, (6PD–C), Dallas, Texas 75202, at (214) 665–7430, or *peace.michelle@epa.gov.*

SUPPLEMENTARY INFORMATION: The information in this section is organized as follows:

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I. Overview Information

A. What action is EPA finalizing?

After evaluating the petition, EPA proposed, on May 19, 2008, to exclude the TDI residues from the lists of hazardous waste under 40 CFR 261.31 and 261.32 (see 70 FR 41358). EPA is finalizing the decision to grant Bayer Material Science's delisting petition to have its TDI residues managed and disposed as non-hazardous waste provided certain verification and monitoring conditions are met.

B. Why is EPA approving this action?

Bayer Material Science's petition requests a delisting from the K027 waste listing under 40 CFR 260.20 and 260.22. Bayer Material Science does not believe that the petitioned waste meets the criteria for which EPA listed it. Bayer Material Science also believes no additional constituents or factors could cause the waste to be hazardous. EPA's review of this petition included consideration of the original listing criteria and the additional factors required by the Hazardous and Solid Waste Amendments of 1984. See section 3001(f) of RCRA, 42 U.S.C. 6921(f), and 40 CFR 260.22 (d)(1)–(4) (hereinafter all sectional references are to 40 CFR unless otherwise indicated). In making the final delisting determination, EPA evaluated the petitioned waste against the listing criteria and factors cited in § 261.11(a)(2) and (a)(3). Based on this review, EPA agrees with the petitioner that the waste is nonhazardous with respect to the original listing criteria. If EPA had found, based on this review, that the waste remained hazardous based on the factors for which the waste as originally listed, EPA would have proposed to deny the petition. EPA evaluated the waste with respect to other factors or criteria to assess whether there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. EPA considered whether the waste is acutely toxic, the concentration of the constituents in the waste, their tendency to migrate and to bioaccumulate, their persistence in the environment once released from the waste, plausible and specific types of management of the petitioned waste, the quantities of waste generated, and waste variability. EPA believes that the petitioned waste does not meet the listing criteria and thus should not be a listed waste. EPA's final decision to delist waste from Bayer Material Science's facility is based on the information submitted in support of this rule, including descriptions of the wastes and analytical data from the Baytown, Texas facility.

C. What are the limits of this exclusion?

This exclusion applies to the waste described in the petition only if the requirements described in 40 CFR Part 261, Appendix IX, Table 2 and the conditions contained herein are satisfied.

D. How will Bayer Material Science manage the waste, if it is delisted?

The TDI residues from Bayer Material Science will be disposed of in a RCRA Subtitle D landfill.

E. When is the final delisting exclusion effective?

This rule is effective March 12, 2009. The Hazardous and Solid Waste Amendments of 1984 amended Section 3010 of RCRA, 42 U.S.C. 6930(b)(1), allows rules to become effective less than six months after the rule is published when the regulated community does not need the six-month period to come into compliance. That is the case here because this rule reduces, rather than increases, the existing requirements for persons generating hazardous waste. This reduction in existing requirements also provides a basis for making this rule effective immediately, upon publication, under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

F. How does this final rule affect states?

Because EPA is issuing this exclusion under the Federal RCRA delisting program, only states subject to Federal RCRA delisting provisions would be affected. This would exclude states which have received authorization from EPA to make their own delisting decisions.

EPA allows states to impose their own non-RCRA regulatory requirements that are more stringent than EPA's, under section 3009 of RCRA, 42 U.S.C. 6929. These more stringent requirements may include a provision that prohibits a federally issued exclusion from taking effect in the state. Because a dual system (that is, both Federal (RCRA) and State (non-RCRA) programs) may regulate a petitioner's waste, EPA urges petitioners to contact the State regulatory authority to establish the status of their wastes under the State law.

EPA has also authorized some states (for example, Louisiana, Oklahoma, Georgia, and Illinois) to administer a RCRA delisting program in place of the Federal program; that is, to make state delisting decisions. Therefore, this exclusion does not apply in those authorized states unless that state makes the rule part of its authorized program. If Bayer Material Science transports the petitioned waste to or manages the waste in any state with delisting authorization, Bayer Material Science must obtain delisting authorization from that state before it can manage the waste as non-hazardous in the state.

II. Background

A. What is a delisting petition?

A delisting petition is a request from a generator to EPA, or another agency with jurisdiction, to exclude or delist from the RCRA list of hazardous waste, certain wastes the generator believes should not be considered hazardous under RCRA.

B. What regulations allow facilities to delist a waste?

Under §§ 260.20 and 260.22, facilities may petition EPA to remove their wastes from hazardous waste regulation by excluding them from the lists of hazardous wastes contained in §§ 261.31 and 261.32. Specifically, § 260.20 allows any person to petition the Administrator to modify or revoke

any provision of 40 CFR Parts 260 through 265 and 268. Section 260.22 provides generators the opportunity to petition the Administrator to exclude a waste from a particular generating facility from the hazardous waste lists.

C. What information must the generator supply?

Petitioners must provide sufficient information to EPA to allow EPA to determine that the waste to be excluded does not meet any of the criteria under which the waste was listed as a hazardous waste. In addition, the Administrator must determine, where he/she has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste and that such factors do not warrant retaining the waste as a hazardous waste.

III. EPA's Evaluation of the Waste Information and Data

A. What waste did Bayer Material Science petition EPA to delist?

On September 2, 2004, Bayer petitioned EPA to exclude from the lists of hazardous waste contained in § 261.32, toluene diisocyanate (TDI) residues generated from its facility located in Baytown, Texas. The waste falls under the classification of a listed waste under § 261.30. The waste is listed as K027 hazardous wastes. These are centrifuge and distillation residues from TDI production.

B. How much waste did Bayer Material Science propose to delist?

Specifically, in its petition, Bayer Material Science requested that EPA grant a conditional exclusion for 9,780 cubic yards per year of TDI residues resulting from the TDI production processes at its facility.

C. How did Bayer Material Science sample and analyze the waste data in this petition?

To support its petition, Bayer Material Science submitted:

- Analytical results of the toxicity characteristic leaching procedure (TCLP) and total constituent analysis for volatile and semivolatile organics, pesticides, herbicides, dioxins/furans, PCBs and metals for five TDI samples;
- Analytical results from multiple pH leaching of metals; and
- A description of the TDI production process.

IV. Public Comments Received on the Proposed Exclusion

A. Who submitted comments on the proposed rule?

There was one set of comments submitted regarding this petition. The commenter was an industry consultant in the field of hazardous waste recycling.

B. What were the comments and what are EPA's responses to them?

Comment 1: Is EPA aware of the fact that mishandling of TDI waste bottoms at a cement plant permitted to burn hazardous waste resulted in a major explosion and fire? Please see *http://www.ntsb.gov/Publictn/2001/HZM0101.pdf* for the DOT report on this incident.

Response 1: The EPA reviewer was not aware of the incident at the Essroc Cement Corporation in 1999. The DOT report identified has been reviewed. As a result, EPA will require Bayer to employ additional management requirements to ensure that the residues are offloaded safely and opportunities for chemical self-reaction and expansion are minimized.

Comment 2: Did EPA require the petitioner to analyze samples of the waste for phosgene? Is EPA aware of how difficult it is to completely remove this highly toxic compound from these bottoms?

Response 2: No, EPA did not require the samples to be analyzed for phosgene. Phosgene is not included in Appendix 9 of Part 264. EPA is aware that complete removal of phosgene is extremely difficult. However, Bayer does use a process to remove TDI, phosgene, and orthodichlorbenzene from the residuals. Review of compliance records did not indicate issues that would suggest unsafe handling of this highly toxic compound has occurred at the Bayer facility.

Comment 3: Is EPA aware of the fact that TDI bottoms are often water reactive, potentially generating heat and gas when in contact with water?

Response 3: Yes, EPA is aware that TDI is water reactive and has a potential to generate heat and gas when it contacts water. However, EPA believes that the amount of heat generated from the TDI residuals will be minimal due to the small amount of TDI remaining in the residuals. Bayer uses an additional reaction step to ensure that there is no free TDI remaining in the residues, which further alleviates the situation.

Comment 4: Did EPA require the petitioner to submit tests demonstrating that there was no TDI present in the waste? Is EPA aware of the toxicity and reactivity of TDI relative to this issue?

Response 4: The concentrations of leachable TDI in the waste samples analyzed were reported as non-detect at concentrations less than 0.039 mg/l. As a result of the comment made EPA has added TDI to the list of constituents, Bayer must monitor for and set the limit of TDI as 0.039 mg/l.

Comment 5. Did EPA require the petitioner to test the material for residual orthodichlorobenzene and evaluate the potential environmental problems from releasing such a solvent outside of hazardous waste regulations?

Response 5: Yes, the residuals were tested for orthodichlorobenzene. The potential for release was modeled using the DRAS software. The total constituent analysis detected this waste in concentration of 10 mg/kg; the leachable concentration was less than 0.001 mg/l. The delisting limit is 9.72 mg/l. This limit will be added to the list of constituents Bayer must monitor for the TDI residue prior to disposal.

Comment 6. Is EPA aware of the fact that TDI itself can dimerize leading to the release of CO_2 and potential build up of pressure in confined tanks, especially upon heating? Given the history of the very large explosion at the Essroc cement plant in Indiana that resulted from mishandling this hazardous waste the commenter believes that it is imperative that EPA make absolutely certain that the material proposed for delisting does not have any of the hazardous characteristics (not EPA definition hazardous—but real hazardous in a real world setting) that resulted in the massive explosion and fire at the Indiana plant.

Response 6: The disposal scenario for the Bayer TDI residue is not associated with combustion as detailed in the Essroc Cement incident because this TDI residue is only delisted if and when it meets the delisting limits and is disposed in a Subtitle D landfill. In light of the information presented by this commenter, EPA has required that prior to its disposal, Bayer handle the material safely to prevent its contact with water and to continue to minimize the possibility of significant amounts of free TDI in the residue. As stated above, Bayer employs an additional reaction step to ensure that free TDI, phosgene, and ortho-dichlorobenzene are minimized. Therefore, the Agency does not believe that the allowable concentrations of TDI remaining in the waste will pose a significant risk when disposed in a Subtitle D landfill.

V. Statutory and Executive Order Reviews

Under Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), this rule is not of general applicability and therefore is not a regulatory action subject to review by the Office of Management and Budget (OMB). This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) because it applies to a particular facility only. Because this rule is of particular applicability relating to a particular facility, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202, 204, and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Because this rule will affect only a particular facility, it will not significantly or uniquely affect small governments, as specified in section 203 of UMRA. Because this rule will affect only a particular facility, this final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, ''Federalism'', (64 FR 43255, August 10, 1999). Thus, Executive Order 13132 does not apply to this rule. Similarly, because this rule will affect only a particular facility, this final rule does not have tribal implications, as specified in Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000). Thus, Executive Order 13175 does not apply to this rule. This rule also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The basis for this belief is that the Agency used the DRAS program, which considers health and safety risks to infants and children, to calculate the maximum allowable concentrations for this rule. This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866. This rule does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988, ''Civil Justice Reform'', (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report which includes a copy of the rule to each House of the Congress and to the Comptroller General of the United States. Section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability.

Lists of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Authority: 3001(f) RCRA, 42 U.S.C. 6921(f).

Dated: January 20, 2009.

Carl E. Edlund,

Director, Multimedia Planning and Permitting Division.

■ For the reasons set out in the preamble, 40 CFR part 261 is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

■ 1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

■ 2. In Table 2 of Appendix IX of part 261 add the following waste stream in alphabetical order by facility to read as follows:

Appendix IX to Part 261—Waste Excluded Under §§ 260.20 and 260.22

TABLE 2—WASTE EXCLUDED FROM SPECIFIC SOURCES

Facility	Address	Waste description
*	*	* * * * *
Bayer Material Science LLC	Baytown, TX	Toluene Diisocyanate (TDI) Residue (EPA Hazardous Waste No. K027) generated at a maximum rate of 9,780 cubic yards per calendar year after March 12, 2009. For the exclusion to be valid, Bayer must implement a verification testing program that meets the following Paragraphs: (1) Delisting Levels: All concentrations for those constituents must not exceed the maximum allowable concentrations in mg/l specified in this paragraph. TDI Residue Leachable Concentrations (mg/l): Arsenic—0.10, Barium—36.0; Chloromethane—6.06; Chromium—2.27; Cobalt—13.6; Copper—25.9; Cyanide—3.08; Dichlorophenoxyacetic acid—1.08; Diethyl phthalate—1000.0; Endrin—0.02; Lead—0.702; Nickel—13.5; ortho-dichlorobenzene—9.72; Selenium—0.89; Tin—22.5; Vanadium—0.976; Zinc—197.0; 2,4-Toluenediamine—0.0459; Toluene Diisocyanate—0.039. (2) Waste Holding and Handling: (A) Bayer must manage the TDI residue in a manner to ensure that the residues are offloaded safely and opportunities for chemical self-reaction and expansion are minimized. The TDI residue must be handled to ensure that contact with water is minimized. (B) Waste classification as non-hazardous cannot begin until compliance with the limits set in paragraph (1) for the TDI residue has occurred for two consecutive quarterly sampling events and the reports have been approved by EPA.

TABLE 2—WASTE EXCLUDED FROM SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		(C) If constituent levels in any sample taken by Bayer exceed any of the delisting levels set in paragraph (1) for the TDI residue, Bayer must do the following: (i) notify EPA in accordance with paragraph (6) and (ii) manage and dispose the TDI residue as hazardous waste generated under Subtitle C of RCRA. (3) Testing Requirements: Upon this exclusion becoming final, Bayer must perform quarterly analytical testing by sampling and analyzing the TDI residue as follows: (A) Quarterly Testing: (i) Collect two representative composite samples of the TDI residue at quarterly intervals after EPA grants the final exclusion. The first composite samples may be taken at any time after EPA grants the final approval. Sampling should be performed in accordance with the sampling plan approved by EPA in support of the exclusion. (ii) Analyze the samples for all constituents listed in paragraph (1). Any composite sample taken that exceeds the delisting levels listed in paragraph (1) for the TDI residue must be disposed as hazardous waste in accordance with the applicable hazardous waste requirements. (iii) Within thirty (30) days after taking its first quarterly sample, Bayer will report its first quarterly analytical test data to EPA. If levels of constituents measured in the samples of the TDI residue do not exceed the levels set forth in paragraph (1) of this exclusion for two consecutive quarters, Bayer can manage and dispose the non-hazardous TDI residue according to all applicable solid waste regulations. (B) Annual Testing: (i) If Bayer completes the quarterly testing specified in paragraph (3) above and no sample contains a constituent at a level which exceeds the limits set forth in paragraph (1), Bayer can begin annual testing as follows: Bayer must test two representative composite samples of the TDI residue for all constituents listed in paragraph (1) at least once per calendar year. (ii) The samples for the annual testing shall be a representative composite sample according to appropriate methods. As applicable to the method-defined parameters of concern, analyses requiring the use of SW–846 methods incorporated by reference in 40 CFR 260.11 must be used without substitution. As applicable, the SW–846 methods might include Methods 0010, 0011, 0020, 0023A, 0030, 0031, 0040, 0050, 0051, 0060, 0061, 1010A, 1020B, 1110A, 1310B, 1311, 1312, 1320, 1330A, 9010C, 9012B, 9040C, 9045D, 9060A, 9070A (uses EPA Method 1664, Rev. A), 9071B, and 9095B. Methods must meet Performance Based Measurement System Criteria in which the Data Quality Objectives are to demonstrate that samples of the Bayer spent carbon are representative for all constituents listed in paragraph (1). (iii) The samples for the annual testing taken for the second and subsequent annual testing events shall be taken within the same calendar month as the first annual sample taken. (iv) The annual testing report must include the total amount of waste in cubic yards disposed during the calendar year. (4) Changes in Operating Conditions: If Bayer significantly changes the process described in its petition or starts any process that generates the waste that may or could affect the composition or type of waste generated (by illustration, but not limitation, changes in equipment or operating conditions of the treatment process), it must notify EPA in writing and it may no longer handle the wastes generated from the new process as non-hazardous until the wastes meet the delisting levels set in paragraph (1) and it has received written approval to do so from EPA. Bayer must submit a modification to the petition complete with full sampling and analysis for circumstances where the waste volume changes and/or additional waste codes are added to the waste stream. (5) Data Submittals: Bayer must submit the information described below. If Bayer fails to submit the required data within the specified time or maintain the required records on-site for the specified time, EPA, at its discretion, will consider this sufficient basis to reopen the exclusion as described in paragraph (6). Bayer must: (A) Submit the data obtained through paragraph 3 to the Chief, Corrective Action and Waste Minimization Section, Multimedia Planning and Permitting Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, Texas 75202, within the time specified. All supporting data can be submitted on CD–ROM or some comparable electronic media. (B) Compile records of analytical data from paragraph (3), summarized, and maintained on-site for a minimum of five years. (C) Furnish these records and data when either EPA or the State of Texas requests them for inspection.

TABLE 2—WASTE EXCLUDED FROM SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		(D) Send along with all data a signed copy of the following certification statement, to attest to the truth and accuracy of the data submitted. ''Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code, which include, but may not be limited to, 18 U.S.C. 1001 and 42 U.S.C. 6928), I certify that the information contained in or accompanying this document is true, accurate and complete. As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete. If any of this information is determined by EPA in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by EPA and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion.'' (6) Reopener: (A) If, anytime after disposal of the delisted waste Bayer possesses or is otherwise made aware of any environmental data (including but not limited to leachate data or ground water monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified for the delisting verification testing is at a level higher than the delisting level allowed by EPA in granting the petition, then the facility must report the data, in writing, to EPA within 10 days of first possessing or being made aware of that data. (B) If either the quarterly or annual testing of the waste does not meet the delisting requirements in paragraph 1, Bayer must report the data, in writing, to EPA within 10 days of first possessing or being made aware of that data. (C) If Bayer fails to submit the information described in paragraphs (5), (6)(A) or (6)(B) or if any other information is received from any source, EPA will make a preliminary determination as to whether the reported information requires action to protect human health and/or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment. (D) If EPA determines that the reported information requires action, EPA will notify the facility in writing of the actions it believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing the facility with an opportunity to present information explaining why the proposed EPA action is not necessary. The facility shall have 10 days from the date of EPA's notice to present such information. (E) Following the receipt of information from the facility described in paragraph (6)(D) or (if no information is presented under paragraph (6)(D)) the initial receipt of information described in paragraphs (5), (6)(A) or (6)(B), EPA will issue a final written determination describing the actions that are necessary to protect human health and/or the environment. Any required action described in EPA's determination shall become effective immediately, unless EPA provides otherwise. (7) Notification Requirements Bayer must do the following before transporting the delisted waste. Failure to provide this notification will result in a violation of the delisting petition and a possible revocation of the decision. (A) Provide a one-time written notification to any state Regulatory Agency to which or through which it will transport the delisted waste described above for disposal, 60 days before beginning such activities. (B) Update the one-time written notification if it ships the delisted waste into a different disposal facility. (C) Failure to provide this notification will result in a violation of the delisting variance and a possible revocation of the decision.

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[FR Doc. E9–5213 Filed 3–11–09; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 09–440; MB Docket No. 05–67; RM–11116, RM–11342]

Radio Broadcasting Services; Clinton, Fishers, Indianapolis, and Lawrence, IN

AGENCY: Federal Communications Commission.

ACTION: Final rule, denial of petition for reconsideration.

SUMMARY: This document denies a Petition for Reconsideration filed by Word Power, Inc., directed to the *Report and Order* in this proceeding, which had denied Word Power's counterproposal and had granted a mutually exclusive rulemaking petition. *See* **SUPPLEMENTARY INFORMATION**, *infra.*

FOR FURTHER INFORMATION CONTACT: Andrew Rhodes, Media Bureau (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Memorandum Opinion and Order* in MB Docket No. 05–67, adopted February 25, 2009, and released February 27, 2009. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com.*

The *Report and Order* granted a rulemaking petition, *inter alia,* to substitute Channel 230B1 for Channel 230A at Fishers, Indiana, to reallot Channel 230B1 to Lawrence, Indiana, and to modify the license for Station WRWM to specify Lawrence as the community of license. To accommodate this reallotment, Word Power's Station WPFR–FM, Clinton, Indiana, was ordered to change its frequency from Channel 230A to Channel 229A. The *Report and Order* also denied Word Power's counterproposal to upgrade its Station WPFR–FM from Channel 230A to Channel 230B1. *See* 72 FR 53687, September 20, 2007.

The *Memorandum Opinion and Order* found that the *Report and Order* did not err by (1) not discussing the applicability of the *Tuck* factors regarding whether Lawrence is sufficiently independent of Indianapolis to warrant consideration as a first local service; and (2) not specifically requiring the reimbursement to Word Power for the costs of changing channels. The document reasoned that a *Tuck* analysis is not required in this situation where a station is moving from one community to another inside an urbanized area. Likewise, a reimbursement condition is not necessary given the repeated assertions by the initial rulemaking petitioners that they will reimburse Word Power for the reasonable expenses related to the Station WPFR–FM facility modification. Finally, the *Memorandum Opinion and Order* rejected Word Power's argument that the staff had inadequately inquired into the possible premature construction of the upgraded WRWM facilities at Lawrence.

The Commission will not send a copy of this *Memorandum Opinion and Order* to GAO pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the Petition for Reconsideration was denied.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E9–5399 Filed 3–11–09; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

47 CFR Part 301

[Docket Number: 090212171-9172-01]

RIN 0660–AA19

Amendments to the Digital-to-Analog Converter Box Program to Implement the DTV Delay Act

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: On February 11, 2009, President Obama signed into law the DTV Delay Act, which extended the deadline for the digital conversion and the coupon application period for the Digital-to-Analog Converter Box Program (Coupon Program) by four months.[1] The DTV Delay Act also authorized the National Telecommunications and Information Administration (NTIA) to issue replacement coupons to households whose coupons have otherwise expired unredeemed. These changes to the Coupon Program were conditioned upon enactment of new budget authority for the Coupon Program, which was recently provided by the American Recovery and Reinvestment Act of 2009.[2]

DATES: This final rule becomes effective March 12, 2009.

FOR FURTHER INFORMATION CONTACT: Milton Brown, NTIA (202) 482–1816 or mbrown@ntia.doc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Digital Television Transition and Public Safety Act of 2005 (the Act), among other things, directed the Federal Communications Commission (FCC) to require full-power television stations to cease analog broadcasting and to broadcast solely digital transmissions after February 17, 2009.[3] Recognizing that consumers may wish to continue receiving broadcast programming over the air using analog-only televisions not connected to cable or satellite service, section 3005 of the Act also authorized NTIA to establish and implement the Coupon Program.[4] Accordingly, NTIA issued final regulations to implement the Coupon Program on March 15, 2007.[5]

On February 11, 2009, President Obama signed into law the DTV Delay Act. The DTV Delay Act, among other things, extended the date by which the Federal Communications Commission must terminate all licenses for full-power television stations in the analog television services from February 18, 2009 until June 13, 2009.[6] Specific to the Coupon Program, subsection 3(a) of the DTV Delay Act amended paragraph (1) of subsection 3005(c) of the Act to

[1] *See* DTV Delay Act, Pub. L. 111-4, 123 Stat. 112 (Feb. 11, 2009).

[2] The American Recovery and Reinvestment Act, Pub. L. 111-5, 123 Stat. 115 (Feb. 17, 2009).

[3] *See* Section 3002 of Title III of the Deficit Reduction Act of 2005, Pub. L. No. 109-171, 120 Stat. 4, 21 (Feb. 8, 2006) (the Act). Section 3002(a) of the Act previously amended Section 309(j)(14)(A) of the Communications Act of 1934 so that analog full-power television licenses will terminate on February 17, 2009. Section 3002(b) of the Act directed the FCC to terminate analog television licenses for full-power stations by February 18, 2009.

[4] Digital Television Transition and Public Safety Act § 3005, 120 Stat. at 23, 24.

[5] 47 C.F.R. Part 301. The regulations were subsequently amended to waive the ''eligible household'' application requirement for individuals living in nursing homes, intermediate care facilities and assisted living facilities, and to permit households that utilize post office boxes for residential mail delivery to apply for and receive coupons. 73 Fed. Reg. 54,325 (Sep. 19, 2008).

[6] *See* DTV Delay Act at Subsection 2(a).

extend the date by which households may apply for coupons for digital-to-analog converter boxes from March 31, 2009 until July 31, 2009.

Subsection 3(b) of the DTV Delay Act amended paragraph (1) of subsection 3005(c) of the Act to add a new subparagraph (D) that authorizes the NTIA Assistant Secretary to issue one replacement coupon per requesting household for each coupon previously issued to such household that expired without being redeemed. Subsection 3(c) of the DTV Delay Act amended paragraph (1) of subsection 3005(c) of the Act to clarify that the Assistant Secretary's obligation to ensure the two-coupon per household maximum was based on the number of coupons the household redeems rather than the number it receives via the United States Postal Service.

Subsection 3(d) of the bill provided that the amendments made by Section 3 of the DTV Delay Act would not take effect until additional budget authority for the Coupon Program was subsequently enacted. On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009, which provided that subsequent budget authority.[7]

II. Discussion

Because of the amendments to the Coupon Program necessitated by the DTV Delay Act, NTIA hereby revises and amends its regulations. Accordingly, 47 C.F.R. Part 301 is amended as discussed below.

Application Deadline

The DTV Delay Act revised Section 3005(c)(1)(A) of the Digital Television Transition and Public Safety Act of 2005 to change the last day that households can request coupons for digital-to-analog converter boxes from March 31, 2009, to July 31, 2009. Accordingly, NTIA amends its regulations at 47 C.F.R. § 301.3(c), to reflect this change and to permit households to apply for coupons until July 31, 2009. The change in date will not ensure that funds will be available to fill all coupon requests at that time.

Reissuance of Coupons

The DTV Delay Act authorized NTIA to issue replacement coupons to households if those households were previously issued coupons that had expired without being redeemed.[8] Because the issue of replacement coupons has not previously been addressed in the Coupon Program regulations, NTIA now adds a new section to provide that a household may request one replacement coupon for each coupon that was issued to such household and that expired without being redeemed. NTIA also requires that a request for a replacement coupon otherwise be made in accordance with the Coupon Program regulations. Thus, the application process for replacement coupons remains the same as that for households requesting coupons for the first time.

United States Postal Service

The DTV Delay Act also amended Section 3005(c)(1)(A) of the Digital Television Transition and Public Safety Act of 2005 to strike the words ''receives, via the United States Postal Service,'' and inserts the word ''redeems'' to conform to the new authority for reissuance. Accordingly, NTIA amends 47 C.F.R. § 301.4(d) to add at the end thereof ''or by other means as determined by the Agency.'' This change has the effect of providing NTIA with additional flexibility with respect to the manner with which it distributes coupons to U.S. households. Moreover, because the regulations linked the coupon issuance date to the date that the coupon was placed with the United States Postal Service, NTIA must revise its regulations to reflect the change made by the DTV Delay Act. Accordingly, 47 C.F.R. § 301.4(e) is amended to add at the end of the second sentence of that provision ''or the date upon which the Agency otherwise forwards the coupon to the requesting household.'' The effect of this change is that the coupon issuance date, for purpose of the 90–day expiration, commences on the date that NTIA places the coupon with the United States Postal service or otherwise forwards it to a requesting household.

Prioritizing Coupon Distribution

NTIA has found it necessary in the past to place applicants from eligible households on a waiting list until funds from expired coupons become available to distribute more coupons.[9] The additional funding provided by the American Recovery and Reinvestment Act of 2009 will enable NTIA to liquidate the current waiting list of approximately 4.2 million coupons in two to three weeks after the Coupon Program is able to access such funds. However, if the Coupon Program experiences a high demand, it may be necessary for NTIA to once again place applicants on a waiting list. Thus, NTIA reserves the right to prioritize the distribution of coupons to over-the-air only households in the event that a waiting list becomes necessary, or if any other circumstances arise in which NTIA deems such prioritization appropriate. This decision is based on NTIA's goal of maximizing the benefits of the Coupon Program in the transition to digital television broadcasts.[10] Accordingly, NTIA adds a new section to its regulations that permits NTIA to prioritize the distribution of coupons to over-the-air only households if NTIA deems it appropriate.

Administrative Procedure Act

As permitted by the good cause exception to the Administrative Procedures Act (APA), 5 U.S.C. § 553(b)(B), NTIA finds that it is impracticable and contrary to the public interest to provide notice and a public procedure on this final rule. Under the APA, notice and comment is impracticable when the agency cannot both follow section 553 and execute its statutory duties. The limited duration of the statutory extension of the application period provided in the DTV Delay Act requires swift action on the part of NTIA to amend its rules and implement program changes prior to the new application period's expiration.[11]

[7] The American Recovery and Reinvestment Act of 2009 (providing in pertinent part, ''For an amount for 'Digital-to-Analog Converter Box Program', $650,000,000, for additional coupons and related activities under the program implemented under section 3005 of the Digital Television Transition and Public Safety Act of 2005 . . .'').

[8] The specific language of Section 3(b) of the DTV Delay Act provided that ''[t]he Assistant Secretary may issue to a household, upon request by the household, one replacement coupon for each coupon that was issued to such household and that expired without being redeemed.''

[9] *See* Press Release, *Commerce's NTIA Announces New Coupon Applicants Will be Placed on Waiting List Due to High Demand for TV Converter Box Coupons* (Jan. 5, 2009) available at http://www.ntia.doc.gov/press/2009/DTV_WaitList_090105.pdf.

[10] *See Rules to Implement and Administer a Coupon Program for Digital to Analog Converter Boxes*, 72 Fed. Reg. 12,097, 12,098 (March 15, 2007).

[11] *See also* DTV Delay Act, § 4(c). The DTV Delay Act required the Federal Communications Commission and the NTIA to expeditiously implement the provisions and amendments made by the DTV Delay Act. Specifically, it provided that such actions should be taken within 30 days of enactment of the DTV Delay Act. Although the DTV Delay Act also provided that the amendments to the authority related to the Coupon Program ''shall not take effect until the enactment of additional budget authority after the enactment of this Act,'' it is nevertheless clear that Congress' intent was rapid implementation of the changes to the Coupon Program upon subsequent enactment of the new budget authority for the program. *See* DTV Delay Act § 3(d). Courts have found that where Congress has given an agency an extremely short period of time to promulgate a rule, a determination that waiving notice and comment as impracticable is reasonable and not arbitrary. *Philadelphia Citizens*

Continued

To the extent that NTIA provided a public procedure on this final rule, it would not be able to execute the statutory duties required by the DTV Delay Act. The current regulations prohibit households from applying for coupons after March 31, 2009. A normal rulemaking process involving notice and comment to extend the application deadline to July 31, 2009, in conformance with the DTV Delay Act, could extend well beyond March 31, 2009. Likewise, NTIA must amend its existing regulations to issue replacement coupons to households that previously received coupons that expired without being redeemed. To ensure that these households receive coupons prior to the end of analog transmission, regulations must be promulgated expeditiously.

Moreover, for the reasons above, NTIA finds good cause to waive the 30–day delay in effectiveness required by 5 U.S.C. § 553(d) because it is impracticable and contrary to the public interest. The limited duration of the statutory extension of the application period provided in the DTV Delay Act requires swift action on the part of NTIA to amend its rules and implement program changes prior to the new application period's expiration. To the extent that NTIA provided a 30–day delay in effectiveness for this final rule, it would not be able to execute the statutory duties required by the DTV Delay Act. To ensure that these households receive coupons prior to the end of analog transmission, NTIA waives the 30–day delay in effectiveness.

Executive Order 12866

This regulation has been determined to be economically significant for purposes of Executive Order 12866; and therefore has been reviewed by the Office of Management and Budget (OMB). In accordance with Executive Order 12866, an Economic Analysis was completed, outlining the costs and benefits of implementing this rule change. The complete analysis is available from NTIA upon request.

Congressional Review Act

It has been determined that this final rule is major under 5 U.S.C. § 801 *et seq.* NTIA finds good cause under 5 U.S.C. § 808(2) that prior notice and public comment are impracticable and contrary to the public interest. To the extent that NTIA provided a 60–day delay in effectiveness pursuant to the Congressional Review Act, it would not be able to execute the statutory duties required by the DTV Delay Act in a timely manner prior to the expiration of its extended authority. Accordingly, this final rule shall take effect upon publication in the **Federal Register**.

Regulatory Flexibility Act

Because NTIA finds good cause under 5 U.S.C. 553 § (b)(B) to waive prior notice and opportunity, the Regulatory Flexibility Act does not apply and therefore does not necessitate the preparation of a regulatory flexibility analysis.

Executive Order 13132

This rule does not contain policies having federalism implications requiring preparation of a Federalism Summary Impact.

Paperwork Reduction Act

This document does not contain new collection-of-information requirements subject to the Paperwork Reduction Act (PRA). Households are subject to the same information collection requirements that were approved by OMB Control Numbers 0660–0024, 0660–0026, and 0660–0027.

List of Subjects in 47 CFR Part 301

Antennas, Broadcasting, Cable television, Communications, Communications equipment, Electronic products, Telecommunications, Television.

■ For the reasons stated in the preamble, the National Telecommunications and Information Administration amends 47 CFR Part 301 as follows:

PART 301—DIGITAL-TO-ANALOG CONVERTER BOX COUPON PROGRAM

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

Authority: Title III of the Deficit Reduction Act of 2005, Pub. L. No. 109–171, 120 Stat. 4, 21 (Feb. 8, 2005) (47 U.S.C. § 309 note); DTV Delay Act, Pub. L. No. 111–4, 123 Stat. 112 (Feb. 11, 2009); American Recovery and Reinvestment Act of 2009, Pub. L. No. 111–5, 123 Stat. 115 (Feb. 17, 2009).

■ 2. Amend § 301.3 by revising paragraphs (c) and (e), and adding paragraphs (f) and (g), to read as follows:

§ 301.3 Household eligibility and application process.

* * * * *

(c) Requests for coupons must be submitted to the Agency no later than July 31, 2009.

* * * * *

(e) A household may request one replacement coupon for each coupon that was issued to such household and that expired without being redeemed. A request for a replacement coupon must otherwise be made in accordance with this section.

(f) If the Agency deems it appropriate, NTIA may prioritize the distribution of coupons to households that have certified that they do not receive cable, satellite or other pay television service.

(g) If an applicant does not meet the above eligibility requirements, the request will be denied.

■ 3. Amend § 301.4 by revising paragraphs (d) and (e) to read as follows:

§ 301.4 Coupons.

* * * * *

(d) Coupons will be sent to Eligible Households via the United States Postal Service or by other means as determined by the Agency.

(e) Coupons expire 90 days after the issuance date. Issuance date means the date upon which the coupon is placed with the United States Postal Service or the date upon which the Agency otherwise forwards the coupon to the requesting household.

* * * * *

Dated: March 6, 2009.

Anna M. Gomez,

Acting Assistant Secretary for Communications and Information.

[FR Doc. E9–5361 Filed 3–11–09; 8:45 am]

BILLING CODE 3510–60–S

in Action v. Schweiker, 669 F.2d 877 (3rd Cir. 1982).

Proposed Rules

Federal Register
Vol. 74, No. 47
Thursday, March 12, 2009

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 65, 119, 121, 135, and 142

[Docket No. FAA–2008–0677; Notice No. 08–07]

RIN 2120–AJ00

Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; notice of public meeting.

SUMMARY: The FAA announces a public meeting on its proposal, published January 12, 2009, to amend the regulations for crewmember and aircraft dispatcher training programs in domestic, flag, and supplemental operations. The FAA has received requests from stakeholders for meetings during the comment period to clarify the proposal and respond to questions. In response to those requests, the FAA is holding a public meeting during the comment period. The purpose of the public meeting is to give an opportunity to those who may be most affected by the proposed rule to ask questions and seek information from the FAA regarding the intent of the proposal.

DATES: The public meeting will be held on April 7, 2009, from 9 a.m. EDT to 4 p.m. EDT. The FAA may adjourn the meeting early if all of the agenda items have been addressed. Comments on the proposed rule must be received on or before May 12, 2009.

ADDRESSES: The April 7, 2009, public meeting will be held at the National Transportation Safety Board (NTSB) Training Center, 45065 Riverside Parkway, Ashburn, Virginia 20147. You can find information regarding location, directions and nearby facilities on the NTSB Web site at: *http://www.ntsb.gov/TC/*.

FOR FURTHER INFORMATION CONTACT: For further information related to this meeting, contact Nancy Lauck Claussen, Air Transportation Division (AFS–200), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8166. For further information on the Notice of Proposed Rulemaking, contact Ed Cook for flight crewmember information, Nancy Lauck Claussen for flight attendant information, and David Maloy for aircraft dispatcher information at 202–267–8166. For legal questions, contact Anne Bechdolt, Office of Chief Counsel (AGC–200), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone 202–267–7230; e-mail: *Anne.Bechdolt@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

On January 12, 2009, the FAA published a Notice of Proposed Rulemaking (NPRM) entitled ''Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers'' (74 FR 1280). The proposed regulations enhance traditional training programs by requiring the use of flight simulation training devices for flight crewmembers and includes additional training requirements in areas that are critical to safety. The proposal also reorganizes and revises the qualification and training requirements. The proposed changes are intended to contribute significantly to reducing aviation accidents. The comment period closes May 12, 2009.

Purpose of the Public Meeting

The purpose of the public meeting is to give an opportunity to those who may be most affected by the proposed rule to ask questions and seek information from the FAA regarding the intent of the proposal. This, in turn, will allow them to be more effective commenters. This meeting is not a substitute process for submitting comments to the docket. For all comments to the proposed rule to be considered, all commenters must submit their comments to the docket by May 12, 2009. You may send comments identified by Docket Number FAA–2008–0677 using any of the following methods:

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

For more information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Public Meeting Procedures

A panel of representatives from the FAA will lead the meeting. An FAA representative will facilitate the meetings in accordance with the following agenda and procedures:

AGENDA

Time	Topic
0900–0915	Opening Remarks
0915–1015	General Overview/Review of NPRM • Major Changes • All • Flight Crewmembers

AGENDA—Continued

Time	Topic
	• Flight Attendants
	• Aircraft Dispatchers
1015–1030	Break
1030–1045	General Q&A
1045–1200	Floor Questions
	• Flight Crewmembers
1200–1300	Lunch
1300–1415	Floor Questions
	• Flight Attendants
1415–1430	Break
1430–1545	Floor Questions
	• Aircraft Dispatchers
1545–1600	Wrap-Up/Exit

(1) The meeting is designed to facilitate the public comment process by allowing commenters to ask questions and seek clarification regarding the proposed rule. The meeting will be informal and non-adversarial. No individual will be subject to cross-examination by any other participant. Any statement made during the meeting by a panel member should not be construed as an official position of the government.

(2) There will be no admission fees or other charges to attend or to participate in the public meeting. The meeting will be open to all persons, subject to availability of space in the meeting room. The FAA will make every effort to accommodate all persons wishing to attend.

(3) The meeting will be recorded and a record will be included in the public docket. Information on how to purchase a recording will be available at the meeting.

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

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

[FR Doc. E9–5362 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2008–1236; Airspace Docket No. 08–AGL–16]

Proposed Amendment of Class E Airspace; Waverly, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Waverly, OH. Additional controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at Pike County Airport, Waverly, OH, and would update the geographic coordinates for the airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) aircraft operations at Pike County Airport.

DATES: 0901 UTC. Comments must be received on or before April 27, 2009.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2008–1236/Airspace Docket No. 08–AGL–16, at the beginning of your comments. You may also submit comments on the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the ground floor of the building at the above address.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2008–1236/Airspace Docket No. 08–AGL–16.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM's

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

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

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by adding additional Class E airspace for SIAPs operations at Pike County Airport, Waverly, OH, and would make a minor change in the geographic coordinates of the airport. The area would be depicted on appropriate aeronautical charts.

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

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA's authority to

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

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

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

1. The authority citation for Part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

AGL OH E5 Waverly, OH [Amended]

Pike County Airport, OH
(Lat. 39°10′01″ N., long. 82°55′41″ W.)

That airspace extending upward from 700 feet above the surface within a 9.9-mile radius of Pike County Airport.

* * * * *

Issued in Fort Worth, TX on March 4, 2009.

Roger M. Trevino,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. E9–5279 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2009–0002; Airspace Docket No. 09–AWP–1]

Proposed Establishment of Class E Airspace; Kona, HI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Kona International Airport at Keahole, Kona, HI. Additional controlled airspace is necessary to accommodate aircraft utilizing the Kona International Airport at Keahole when the Air Traffic Control Tower is non operational. The FAA is proposing this action to enhance the safety and management of aircraft operations at Kona International Airport at Keahole, Kona, HI.

DATES: Comments must be received on or before April 27, 2009.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone (202) 366–9826. You must identify FAA Docket No. FAA–2009–0002; Airspace Docket No. 09–AWP–1, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Eldon Taylor, Federal Aviation Administration, Operations Support Group, AJV–W2, Western Service Center, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 203–4537.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Communications should identify both docket numbers (FAA Docket No. FAA 2009–0002 and Airspace Docket No. 09-AWP–1) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2009–0002 and Airspace Docket No. 09–AWP–1''. The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRM's

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue, SW., Renton, WA 98057.

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace at Kona International Airport at Keahole, Kona, HI. Controlled airspace

is necessary to accommodate aircraft utilizing the Kona International Airport at Keahole when the Air Traffic Control Tower is non-operational. This airspace is effective during the specific dates and times established in advance by a Notice to Airmen. This action would enhance the safety and management of aircraft operations at Kona International Airport at Keahole, Kona, HI.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9S, signed October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E airspace designated as surface areas.

* * * * *

AWP HI E2 Kailua-Kona, HI [New]

Kona International Airport at Keahole, HI
(Lat. 19°44′20″ N., long. 156°02′44″ W.)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.3-mile radius of Kona International Airport at Keahole. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory, Pacific Chart supplement.

* * * * *

Issued in Seattle, Washington, on February 17, 2009.

H. Steve Karnes,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. E9–5280 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2008–1175]

RIN 1625–AA09

Drawbridge Operation Regulation; Pamunkey River, West Point, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the drawbridge operation regulations of the Eltham Bridge (SR33/30), at mile 1.0, across Pamunkey River at West Point, Virginia. This proposal would allow the bridge to open on signal if at least four hours notice is given. This proposal would provide for the reasonable needs of navigation, due to the anticipated infrequency of requests for vessel openings of the drawbridge.

DATES: Comments and related material must reach the Coast Guard on or before April 27, 2009.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG–2008–1175 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Online: http://www.regulations.gov.*

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

(3) *Hand delivery:* Room W12–140 on the Ground Floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call Sandra S. Elliott, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398–6557. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility. Please see DOT's ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2008–1175), indicate the specific section of this document to which each comment applies, and give the reason for each comment. We recommend that you include your name and a mailing address, an e-mail address, or a phone

number in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 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. We may change this proposed rule in view of them.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* at any time. Enter the docket number for this rulemaking (USCG–2008–1175) in the Search box, and click ''Go>>.'' You may also visit either the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays or at Commander (dpb), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 233704–5004 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit *http://DocketsInfo.dot.gov.*

Public Meeting

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

Background and Purpose

The Virginia Department of Transportation (VDOT) is responsible for the operation of the Eltham Bridge (SR33/30), at mile 1.0, across Pamunkey River at West Point, VA. VDOT requested advance notification for vessel openings due to the infrequency of requests for vessel openings of the drawbridge.

The new Eltham bascule bridge has recently been completed and is located immediately adjacent and downstream from the former structure. The new bridge provides an additional 45 feet of vertical clearance over the navigable channel. The increase in vertical clearance has eliminated the need to open on demand for all existing commercial traffic and it is anticipated that there will be very few requests other than for scheduled monthly maintenance openings.

The existing operating regulation is set out in 33 CFR 117.1023, which requires the draw to open on signal, except that the bridge need not open for commercial crabbing and fishing vessels and recreational vessels on Mondays through Fridays, except Federal holidays, from 7 a.m. to 9 a.m., 12 noon to 1 p.m. and 4 p.m. to 6 p.m., at all other times, the bridge will open for these vessels only on the hour, Monday through Friday, except Federal holidays; and Public vessels of the United States must pass at anytime.

Bridge opening data, supplied by VDOT, revealed a significant decrease in yearly openings. In the past three years from 2005 to 2007, the bridge opened for vessels 593, 415 and 187 times, respectively. Due to the anticipated infrequency of requests for vessel openings of the drawbridge, VDOT requested to change the current operating regulation by requiring the draw of the bridge to open on signal if at least four hours notice is given year-round.

Discussion of Proposed Rule

The Coast Guard proposes to amend 33 CFR 117.1023, by revising the paragraph to read that the draw of the Eltham Bridge (SR33/30) mile 1.0 located in West Point, VA, shall open on signal if at least four hours notice is given at all times.

The surplus language currently stated in 33 CFR 117.1023(b) would be removed to be consistent with the general operating regulations under 33 CFR 117.31. The Coast Guard intends to delete the phrase ''Public vessels of the United States must pass at anytime''. This requirement is currently published in 33 CFR 117.31(b) and is no longer required to be published in each specific bridge regulation.

These changes are proposed due to the anticipated infrequency of requests for vessel openings of the drawbridge.

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.

We reached this conclusion based on the fact that the proposed changes have only a minimal impact on maritime traffic transiting the bridge. Mariners can plan their trips in accordance with the proposed scheduled bridge openings to minimize delays.

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 and operators of vessels needing to transit the bridge who can not clear the bridge at its closed position.

This proposed rule would not have a significant economic impact on a substantial number of small entities because the rule only adds minimal restrictions to the movement of navigation, and mariners who plan their transits in accordance with the proposed scheduled bridge openings can minimize delay.

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District, (757) 398–6222. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

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

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

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 0023.1 and Commandant Instruction M16475.lD which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this is one of a category of actions which do not individually or cumulatively have a significant effect action is not likely to have a significant effect on the human environment. Therefore, this rule is categorically excluded, under section 2.B.2. Figure 2–1, paragraph 32(e), of the Instruction because it simply promulgates the operating regulations or procedures for drawbridges. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

2. Revise § 117.1023 to read as follows:

§ 117.1023 Pamunkey River.

The draw of the Eltham Bridge (SR33/30) mile 1.0, located in West Point, Virginia shall open on signal if at least four hours notice is given at all times.

Dated: February 19, 2009.

Fred M. Rosa, Jr.,

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

[FR Doc. E9–5405 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2008–1119]

RIN 1625–AA11

Regulated Navigation Area; Chesapeake and Delaware Canal, Chesapeake City Anchorage Basin, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a permanent regulated navigation area (RNA) in waters of the Chesapeake and Delaware (C & D) Canal, within the anchorage basin at Chesapeake City, Maryland, to be enforced annually, on the last Saturday in June, from 12:01 a.m. until 11:59 p.m. This RNA is necessary to provide for the safety of life, property and the environment. This RNA will restrict and control the movement of vessels and persons throughout the anchorage basin during the Town of Chesapeake City's Canal Day event.

DATES: Comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before May 11, 2009 or reach the Docket Management Facility by that date.

ADDRESSES: You may submit comments identified by docket number USCG–2008–1119 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 Mr. Ronald L. Houck, at Coast Guard Sector Baltimore, Waterways Management Division, at telephone number (410) 576–2674 or (410) 576–2693. 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–2008–1119), 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–2008–1119'' 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–2008–1119 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 Commander, U.S. Coast Guard Sector Baltimore, 2401 Hawkins Point Road, Building 70, Waterways Management Division, Baltimore, Maryland 21226–1791, 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

Each year, on the last Saturday in June, thousands of people attend the Town of Chesapeake City's Canal Day outdoor waterfront festival, located adjacent to the C & D Canal anchorage basin at Chesapeake City, Maryland. Due to the growing presence of visiting boaters in recent years, the waterways surrounding this annual event have become increasingly congested. In 2007, an estimated 400 boats and 10,000 visitors came to Chesapeake City, a town with a population of 800. An estimated 325 recreational boats were anchored or moored alongside other boats (rafted). These boats accounted for approximately 600 visitors. Persons on recreational vessels or other watercraft began arriving on the Wednesday before the festival, and by that evening, large lines of rafted boats filled the anchorage basin, the size of which is approximately 420 yards in length and 170 yards in width. On a typical weekend, 10 to 15 boats anchor in the basin. However, during Canal Day waterfront events, the number of boats anchoring in and around the basin far exceeds this number. In June 2008, a Temporary Final Rule (33 CFR 165.T05–

0315; 73 FR 35588) was implemented and proved to be a beneficial tool to ensure safety and to control vessel movement during this event. Accidental drownings, personal injuries, boat fires, boat capsizings and sinkings, and boating collisions are safety concerns during such crowded events. Access on the water for hazard prevention and response is critical. The Coast Guard has the authority to impose appropriate controls on activities that may pose a threat to persons, vessels and facilities under its jurisdiction. The Coast Guard proposes to establish a RNA that will be enforced on the last Saturday in June, annually, in the C & D Canal, within the anchorage basin at Chesapeake City, Maryland. The purpose of this rule is to promote maritime safety, and to protect the environment and the maritime public transiting the area from the potential hazards associated with a large gathering of recreational vessels and other watercraft in a confined area. The proposed rule is needed to protect the public and control vessel movement during this event.

Discussion of Proposed Rule

The Town of Chesapeake City, Maryland, sponsors an outdoor festival adjacent to the C & D Canal anchorage basin, at Chesapeake City, Maryland, annually, on the last Saturday in June each year. This rule will restrict and control access to this area and vessel traffic as needed as a method of providing for the safety of persons and vessels within the anchorage basin and the C & D Canal.

This rule will establish a RNA in the C & D Canal anchorage basin, bounded by a line drawn across the entrance to the basin from position latitude 39°31′39.6″ N, longitude 075°48′36.5″ W, to position latitude 39°31′40.6″ N, longitude 075°48′43.3″ W, and will limit access to this area by vessels and persons. Persons or vessels requiring entry into or passage within the RNA area must request authorization from the District Commander or his or her designated representative, by telephone at (410) 576–2693 or by marine band radio on VHF–FM Channel 16 (156.8 MHz), during the enforcement periods. All Coast Guard vessels enforcing this RNA area can be contacted on marine band radio VHF–FM Channel 16 (156.8 MHz). Vessels granted permission to transit the area must travel at no-wake speed.

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. Though the RNA will be in effect for an entire day, commercial traffic in the C & D Canal anchorage basin is limited, and vessels transiting the C & D Canal may proceed safely around the RNA.

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 C & D Canal anchorage basin at Chesapeake City, Maryland, from 12:01 a.m. until 11:59 p.m. on the last Saturday in June, annually. This RNA will not have a significant economic impact on a substantial number of small entities for the following reasons: although this rule will be in effect for the entire day and applies to the entire anchorage basin, commercial vessel traffic in this area is limited and traffic would be allowed to pass within the RNA with the permission of the District Commander or his or her designated representative, vessels transiting the C & D Canal may proceed safely around the RNA, and the Coast Guard will issue maritime advisories widely available to users of the waterway before the effective period.

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 Coast Guard Sector Baltimore, Waterways Management Division, at telephone number (410) 576–2674. 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 0023.1 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination under the Instruction that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. Therefore, this rule is categorically excluded under section 2.B.2 Figure 2–1, paragraph 34(g), of the Instruction and neither an environmental assessment nor an environmental impact statement is required. This rule involves establishing a RNA in an anchorage area. A preliminary ''Environmental Analysis Check List'' supporting this determination is available in the docket where indicated under the ''Public Participation and Request for Comments'' sections of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects 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 § 165.556 to read as follows:

§ 165.556 Regulated Navigation Area; Chesapeake and Delaware Canal, Chesapeake City Anchorage Basin, MD.

(a) Location. The following area is a regulated navigation area: All waters of the Chesapeake and Delaware (C & D) Canal within the anchorage basin at Chesapeake City, Maryland, bounded by a line drawn across the entrance to the basin from position latitude 39°31′39.6″ N, longitude 075°48′36.5″ W, to position latitude 39°31′40.6″ N, longitude 075°48′43.3″ W. All coordinates refer to NAD 1983.

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

District Commander means the Commander, Fifth Coast Guard District or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Commander, Fifth Coast Guard District to act on his or her behalf, or his or her designated representative.

(c) Regulations. The general regulations governing regulated navigation areas, found in 33 CFR 165.13, apply to the regulated navigation area described in paragraph (a) of this section.

(1) All vessels and persons are prohibited from entering and accessing this regulated navigation area, except as authorized by the District Commander or his or her designated representative.

(2) Persons or vessels requiring entry into or passage within the regulated navigation area must request authorization from the District Commander or his or her designated representative, by telephone at (410) 576–2693 or by marine band radio on VHF–FM Channel 16 (156.8 MHz), from 12:01 a.m. until 11:59 p.m. on the last Saturday in June, annually. All Coast Guard vessels enforcing this regulated navigation area can be contacted on marine band radio VHF–FM Channel 16 (156.8 MHz).

(3) All vessels and persons must comply with instructions of the District Commander or the designated representative.

(4) The operator of any vessel entering or located within this regulated navigation area shall:

(i) travel at no-wake speed,

(ii) stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard Ensign, and

(iii) proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard Ensign.

(d) Enforcement. The U.S. Coast Guard may be assisted in the patrol and enforcement of the regulated navigation area by any Federal, State, and local agencies.

(e) Enforcement period. This section will be enforced from 12:01 a.m. until 11:59 p.m. on the last Saturday in June, annually.

Dated: February 25, 2009.

Fred M. Rosa, Jr.,

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

[FR Doc. E9–5378 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 401

[Docket No. SLSDC–2009–0002]

RIN 2135–AA28

Seaway Regulations and Rules: Periodic Update, Various Categories

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is amending the joint regulations by updating the Seaway Regulations and Rules in various categories. The proposed changes will update the following sections of the Regulations and Rules: Condition of Vessels; Seaway Navigation, Toll Assessment and Payment; Information and Reports; and Navigation Closing Procedures. These proposed amendments are necessary to take account of updated procedures and will enhance the safety of transits through the Seaway. Several of the proposed amendments are merely editorial or for clarification of existing requirements.

DATES: Any party wishing to present views on the proposed amendment may file comments with the Corporation on or before April 13, 2009.

ADDRESSES: You may submit comments [identified by Docket Number SLSDC 2009–0002] by any of the following methods:

- *Web Site: http://www.Regulations.gov.* Follow the online instructions for submitting comments/submissions.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–001.
- *Hand Delivery:* Documents may be submitted by hand delivery or courier to West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Instructions: All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all comments received will be posted without change at *http://www.Regulations.gov* including any personal information provided. Please see the Privacy Act heading under *Regulatory Notices*.

Docket: For access to the docket to read background documents or comments received, go to *http://www.Regulations.gov*; or in person at the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Carrie Mann Lavigne, Chief Counsel, Saint Lawrence Seaway Development Corporation, 180 Andrews Street, Massena, New York 13662; 315/764–3200.

SUPPLEMENTARY INFORMATION: The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is proposing to amend the joint regulations by updating the Regulations and Rules in various categories. The proposed changes would update the following sections of the Regulations and Rules: Condition of Vessels; Seaway Navigation, Toll Assessment and Payment; Information and Reports; and Navigation Closing Procedures. These updates are necessary to take account of updated procedures which will enhance the safety of transits through the Seaway. Many of these proposed changes are to clarify existing requirements in the regulations. Where new requirements or regulations are being proposed, an explanation for such a change is provided below.

Regulatory Notices: Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.Regulations.gov*.

The SLSDC is proposing to amend 5 sections of the Condition of Vessels portion of the joint Seaway regulations. Under section 401.7, ''Fenders'', the SLSDC is proposing to require that vessels be equipped with only horizontal fenders. Vessels that are equipped with diagonal fenders cause severe damage to the guide wall wooden and rubber fendering. Section 401.8, ''Landing booms'', is being revised to allow only the use of synthetic mooring lines which are safer for personnel handling the lines than are heavy wires. Several changes are being made to section 401.10, ''Mooring lines'', to improve safety for ship and lock crews and to reduce user costs from the use of wire lines. These proposed amendments would set specific requirements for each mooring line that would ensure that safety is maintained through proper use of appropriate strength wire specific to ship size. These changes are being proposed based on tests conducted by the SLSMC in conjunction with relevant stakeholders during the 2007 and 2008 navigation seasons. In section 401.11, ''Fairleads'', amendments are being proposed that will reduce user costs while maintaining proper safe mooring arrangements for wires.

Under section 401.12, ''Minimum requirements—mooring lines and fairleads'', the SLSDC is proposing to make several changes to the minimum requirements based on ship size that will better reflect new safety and efficiency allowances in conjunction with clarifying the use of individual winches per line. In section 401.97, ''Closing procedures'', two amendments are being proposed. The heading will be revised to read ''Closing procedures and ice navigation''. Where transits of certain vessels are restricted during ice conditions, transits between CIP15 and CIP of the Welland Canal will also be restricted under the second proposed amendment. The other changes to the joint regulations are merely editorial or to clarify existing requirements.

Regulatory Evaluation

This proposed regulation involves a foreign affairs function of the United States and therefore Executive Order 12866 does not apply and evaluation under the Department of Transportation's Regulatory Policies and Procedures is not required.

Regulatory Flexibility Act Determination

I certify this proposed regulation will not have a significant economic impact on a substantial number of small

entities. The St. Lawrence Seaway Regulations and Rules primarily relate to commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

Environmental Impact

This proposed regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et reg.*) because it is not a major federal action significantly affecting the quality of the human environment.

Federalism

The Corporation has analyzed this proposed rule under the principles and criteria in Executive Order 13132, dated August 4, 1999, and has determined that this proposal does not have sufficient federalism implications to warrant a Federalism Assessment.

Unfunded Mandates

The Corporation has analyzed this proposed rule under Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48) and determined that it does not impose unfunded mandates on State, local, and tribal governments and the private sector requiring a written statement of economic and regulatory alternatives.

Paperwork Reduction Act

This proposed regulation has been analyzed under the Paperwork Reduction Act of 1995 and does not contain new or modified information collection requirements subject to the Office of Management and Budget review.

List of Subjects in 33 CFR Part 401

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

Accordingly, the Saint Lawrence Seaway Development Corporation proposes to amend 33 CFR part 401, Regulations and Rules, as follows:

PART 401—SEAWAY REGULATIONS AND RULES

Subpart A—Regulations

1. The authority citation for subpart A of part 401 continues to read as follows:

Authority: 33 U.S.C. 983(a) and 984(a)(4), as amended; 49 CFR 1.52, unless otherwise noted.

2. In § 401.7 revise paragraph (a) introductory text to read as follows:

§ 401.7 Fenders.

(a) Where any structural part of a vessel protrudes so as to endanger Seaway installations, the vessel shall be equipped with only horizontal permanent fenders—

* * * * *

3. In § 401.8 revise paragraph (c) to read as follows:

§ 401.8 Landing booms.

* * * * *

(c) Vessels not equipped with or not using landing booms must use the Seaway's tie-up service at approach walls using synthetic mooring lines only.

4. In § 401.10, paragraphs (a)(2), (a)(6), (b), and (d) are revised as follows:

§ 401.10 Mooring lines.

(a) * * *

(2) Have a diameter not greater than 28 mm for wire line and not greater than 60 mm for approved synthetic lines;

* * * * *

(6) Be certified and a test certificate for each mooring line containing information on breaking strength, material type, elongation and diameter shall be available onboard for inspection.

(b) Unless otherwise permitted by an officer, vessels greater than 130m shall only use wire mooring lines with a breaking strength that complies with the minimum specifications set out in the table in this section for securing a vessel in lock chambers.

* * * * *

(d) Notwithstanding paragraphs (a) through (c) of this section, nylon line is not permitted.

TABLE

Overall length of ships	Length of mooring line (m)	Breaking strength (MT)
40 m or more but not more than 60 m	110	10
more than 60 m but not more than 90 m	110	15
more than 90 m but not more than 120 m	110	20
more than 120 m but not more than 180 m	110	28
more than 180 m but not more than 222.5 m	110	35
Elongation of synthetic lines shall not exceed 20%		

5. In § 401.11:

a. Redesignate paragraphs (a) through (c) as paragraphs (a)(1) through (a)(3);

b. Redesignate the introductory paragraph as paragraph (a) introductory text;

c. Revise newly redesignated paragraphs (a)(1) and (a)(2); and

d. Add a new paragraph (b).

The revisions and additions read as follows:

§ 401.11 Fairleads.

(a) * * *

(1) Be led at the vessel's side through a type of fairlead or closed chock, acceptable to the Manager and Corporation;

(2) Pass through not more than three inboard rollers that are fixed in place and equipped with horns to ensure that lines will not slip off when slackened and provided with free-running sheaves or rollers; and

* * * * *

(b) Wire lines shall only be led through approved roller type fairleads.

6. Revise § 401.12 to read as follows:

§ 401.12 Minimum requirements—mooring lines and fairleads.

(a) Unless otherwise permitted by the officer the minimum requirements in respect of mooring lines which shall be available for securing on either side of the vessels, winches and the location of fairleads on vessels are as follows:

(1) Ships of 100 m or less in overall length shall have at least three mooring lines—wires or synthetic hawsers, two of which shall be independently power operated and one if synthetic, of which may be hand held;

(i) One line shall lead forward from the break of the bow and one line shall lead astern from the quarter and be independently power operated by winches, capstans or windlasses and lead through closed chocks or fairleads acceptable to the Manager and the Corporation; and

(ii) One synthetic hawser shall be hand held and lead astern from the break of the bow through chocks to suitable mooring bitts on deck;

(2) Ships of more than 100 m but not more than 130 m in overall length shall have three mooring lines—wires or synthetic hawsers, which shall be independently power operated by winches, capstans or windlasses. All lines shall be led through closed chocks or fairleads acceptable to the Manager and the Corporation. One shall lead forward and one shall lead astern from the quarter and all three lines shall be independently power operated;

(3) Ships of more than 130 m in overall length shall have four mooring lines—wires, independently power operated by the main drums of adequate power operated winches as follows:

(i) One mooring line shall lead forward and one mooring line shall lead astern from the break of the bow and shall be independently power operated by the main drums of adequate power operated winches; and

(ii) One mooring line shall lead forward and one mooring line shall lead astern from the quarter and shall be independently power operated by the main drums of adequate power operated winches.

(4) All lines shall be led through a type of fairlead acceptable to the Manager and the Corporation.

(b) Unless otherwise permitted by the officer the following table sets out the requirements for the location of fairleads or closed chocks for ships of 100 m or more in overall length:

TABLE

Overall length of ships	For mooring lines Nos. 1 and 2	For mooring lines Nos. 3 and 4
100 m or more but not more than 180 m	Shall be at a location on the ship side where the beam is at least 90% of the full beam of the vessel.	Shall be at a location on the ship side where the beam is at least 90% of the full beam of the vessel.
more than 180 m but not more than 222.5m	Between 20 m & 50 m from the stem	Between 20 m & 50 m from the stern.

7. Revise § 401.38 to read as follows:

§ 401.38 Limit of approach to a lock.

A vessel approaching a lock shall comply with directions indicated by the signal light system associated with the lock and in no case shall its stem pass the designated limit of approach sign while a red light or no light is displayed.

8. In § 401.75, add a new paragraph (c) to read as follows:

§ 401.75 Payment of tolls.

* * * * *

(c) Fees for Seaway arranged security guard in compliance with Transport Canada Security regulations shall be paid in Canadian funds within 30 days of billing.

9. In § 401.81 paragraph (a) is revised to read as follows:

§ 401.81 Reporting an accident.

(a) Where a vessel on the Seaway is involved in an accident or a dangerous occurrence, the master of the vessel shall report the accident or occurrence, pursuant to the requirements of the Transportation Safety Board Regulations, to the nearest Seaway station and Transport Canada Marine Safety or U.S. Coast Guard office as soon as possible and prior to departing the Seaway system.

* * * * *

10. In § 401.96 paragraph (e) is revised to read as follows:

§ 401.96 Definitions.

* * * * *

(e) Wintering vessel means a vessel that enters the Seaway upbound after a date designated each year by the Corporation and the Manager and transits above Iroquois Lock.

11. In § 401.97, the heading and paragraphs (f) introductory text and (f)(2) are revised to read as follows:

§ 401.97 Closing procedures and ice navigation.

* * * * *

(f) Where ice conditions restrict navigation,

* * * * *

(2) No downbound vessel that has a power to length ratio of less than 15:1 (kW/meter) and a forward draft of less than 25 dm shall transit between the St. Lambert Lock and the Iroquois Lock of the Montreal-Lake Ontario Section of the Seaway and CIP 15 and CIP 16 of the Welland Canal.

Issued at Washington, DC, on March 2, 2009.

Saint Lawrence Seaway Development Corporation.

Collister Johnson, Jr.,

Administrator.

[FR Doc. E9–4929 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–61–P

DEPARTMENT OF AGRICULTURE

36 CFR Part 251

RIN 0596–AC87

Management of National Forest System Surface Resources With Privately Held Mineral Estates

AGENCY: Forest Service, USDA.

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: In order to allow interested parties additional time to review and provide comments about issues of law and policy raised in this proposed rulemaking, the Forest Service is reopening the comment period for 30 days for the advance notice of proposed rulemaking for the ''Management of National Forest System Surface Resources with Privately Held Mineral Estates''. The rule would revise the regulations to provide clarity and direction on the management of National Forest System surface resources when the mineral estate is privately held. The Forest Service invites written comments on this advance notice. The original notice called for comments to be submitted by February 27, 2009.

DATES: The comment period for the proposed rule published December 29, 2008 (73 FR 79424), is reopened. Comments must be received in writing by April 13, 2009.

ADDRESSES: Written comments concerning this advance notice of

proposed rulemaking notice should be addressed to Forest Service, USDA, attn: Director, Minerals and Geology Management, at Mail Stop 1126, Washington, DC 20250–1126; by electronic mail to *36cfr251@fs.fed.us;* or by fax to (703) 605–1575; or by the electronic process available at Federal e-Rulemaking portal at *http://www.regulations.gov.* All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at 1601 N. Kent Street, Suite 500 Arlington, Virginia 22209 during regular business hours (8:30 a.m. to 4 p.m.), Monday through Friday, except holidays. Visitors are encouraged to call ahead to (703) 605–4792 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Ivette E. Torres, Liaison Specialist, Minerals and Geology Management. Phone Number: (703) 605–4792, or (703) 615–7813. E-mail: *ietorres@fs.fed.us.*

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

Dated: March 5, 2009.

Abigail R. Kimball,

Chief, Forest Service.

[FR Doc. E9–5318 Filed 3–11–09; 8:45 am]

BILLING CODE 3410–11–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 09–490; MB Docket No. 09–18; RM–11513]

Radio Broadcasting Services; Dulac, LA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Audio Division requests comment on a petition filed by Sunburst Media-Louisiana, LLC, licensee of Station KMYO–FM, Channel 244C3, Morgan City, Louisiana, proposing the substitution of FM Channel 230A for vacant Channel 242A at Dulac, Louisiana. The reference coordinates for Channel 230A at Dulac, Louisiana, are 29–20–37 NL and 90–45–16 WL. *See* **SUPPLEMENTARY INFORMATION**, *infra.*

DATES: Comments must be filed on or before April 20, 2009, and reply comments on or before May 5, 2009.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Mark N. Lipp, Esq., Scott Woodworth, Esq., Wiley Rein LLP, 1776 K Street, NW., Washington, DC 20006 (Counsel for Sunburst Media-Louisiana, LLC).

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 09–18, adopted February 25, 2009, and released February 27, 2009. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com.* This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

The proposed channel substitution at Dulac is part of a hybrid application and rulemaking proceeding. In the application (File No. BPH–20090129AMR), Sunburst Media-Louisiana proposes the upgrade of Channel 244C3 to Channel 244C2 at Morgan City, Louisiana, the reallotment of Channel 244C2 to Gray, Louisiana, and the associated modification of the Station KMYO–FM license. *See* 74 FR 9399 (March 4, 2009).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing 242A and adding Channel 230A at Dulac.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E9–5398 Filed 3–11–09; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS-R2-ES-2009-0014] [92210-1117-0000-B4]

RIN 1018-AT52

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Roswell springsnail (*Pyrgulopsis roswellensis*), Koster's springsnail (*Juturnia kosteri*), Noel's amphipod (*Gammarus desperatus*), and Pecos assiminea (*Assiminea pecos*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), take this action pursuant to a settlement agreement and court order that vacated, in part, the August 9. 2005 final rule that designated critical habitat under the Endangered Species Act of 1973, as amended (Act), for the Roswell springsnail (*Pyrgulopsis roswellensis*), Koster's springsnail (*Juturnia kosteri*), Noel's amphipod (*Gammarus desperatus*), and Pecos assiminea (*Assiminea pecos*) with respect to lands at the Bitter Lake National Wildlife

Refuge. Accordingly, the February 12, 2002, proposed critical habitat designation is reinstated for these invertebrates with respect to Bitter Lake National Wildlife Refuge and we announce the reopening of the public comment period for the February 12, 2002, proposed rule in order to reconsider designation of these lands. This re-evaluation of the designation of critical habitat at Bitter Lake National Wildlife Refuge does not affect the designation of critical habitat at Diamond Y Spring and Sandia Spring. Comments previously submitted on the February 12, 2002, proposed rule (67 FR 6459) need not be resubmitted as they have been incorporated into the public record as part of this reopening of the comment period and will be fully considered in preparation of the final rule. Additionally, so that we may fully consider any new information available, we are also soliciting comments and information on the final economic analysis and final environmental assessment that were made available concurrent with the August 9, 2005, final designation of critical habitat.

DATES: We will accept comments received or postmarked on or before May 11, 2009. We must receive requests for public hearings, in writing, at the address shown in the **ADDRESSES** section by April 27, 2009.

ADDRESSES: You may submit information by one of the following methods:

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

• *U.S. mail or hand-delivery*: Public Comments Processing, Attn: FWS-R2-ES-2009-0014; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will not accept e-mail or faxes. We will post all information received on *http://www.regulations.gov*. This generally means that we will post any personal information you provide us (see the Public Comments Solicited section below for more details).

FOR FURTHER INFORMATION CONTACT: Wally ''J'' Murphy, Field Supervisor, New Mexico Ecological Services Field Office, 2105 Osuna NE, Albuquerque, NM 87113; telephone 505-761-4781; facsimile 505-346-2542. If you use a telecommunications device for the deaf (TTD), you may call the Federal Information Relay Service (FIRS) at 800-877-8339.

SUPPLEMENTARY INFORMATION:

Background

The Roswell springsnail (*Pyrgulopsis roswellensis*), Koster's springsnail (*Juturnia kosteri*), Noel's amphipod (*Gammarus desperatus*), and Pecos assiminea (*Assiminea pecos*) (four invertebrates) occupy springs, seeps, sinkholes, and wetlands near Roswell, New Mexico, and in Reeves and Pecos counties, Texas. On February 12, 2002 (67 FR 6459), we published a proposed rule to list the four invertebrates as endangered under the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*) and to designate critical habitat for them. The proposed rule included two complexes on Bitter Lake National Wildlife Refuge (Refuge) totaling 456 hectares (ha) (1127 acres (ac)), one complex at Diamond Y Springs in Pecos County, Texas, of 153.8 ha (380 ac), and one complex at East Sandia Spring in Reeves County, Texas, of 6.7 ha (16.5 ac). On August 9, 2005, we published our final rule listing the four invertebrates as endangered with critical habitat (70 FR 46304). In that final rule, critical habitat was designated at the Diamond Y Spring and East Sandia Spring complexes but was not designated on the Refuge on the ground that these areas did not meet the definition of ''critical habitat'' under section 3(5)(A) of the Act (70 FR 46323).

On December 19, 2007, Forest Guardians (now WildEarth Guardians) filed a complaint challenging the merits of our critical habitat designation for the four invertebrates, including the exclusion of the Refuge from the final critical habitat designation. The plaintiffs alleged that the Refuge should have been included in the designation because it is the last known occupied habitat for three of the four species (Roswell springsnail, Koster's springsnail, and Noel's amphipod) and that the Refuge's Comprehensive Conservation Plan would not adequately protect the species from threats, including oil and gas development, outside of the Refuge boundaries. Pursuant to a settlement agreement, the court has partially vacated the August 9, 2005, critical habitat decision (70 FR 46304) with respect to the areas excluded under section 3(5)(A) of the Act.

If the proposed rule with respect to the Bitter Lake National Wildlife Refuge is made final, section 7 of the Act will prohibit adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency. Federal agencies proposing actions that may affect areas designated as critical habitat must consult with us on the effects of their proposed actions, pursuant to section 7(a)(2) of the Act. This re-evaluation of the designation of critical habitat on the Refuge does not affect the August 9, 2005, final designation of critical habitat (70 FR 46304) with respect to designated critical habitat at Diamond Y Spring and Sandia Spring, and consultation on activities that may result in destruction or adverse modification of critical habitat is still required in these areas. Further, section 7(a)(4) of the Act and regulations at 50 CFR 402.10 require Federal agencies to confer with us on any action that is likely to result in destruction or adverse modification of proposed critical habitat. Thus, Federal agencies are required to confer with the Service on any such action that may affect the proposed critical habitat on the Refuge as identified in the February 12, 2002, proposed rule (67 FR 6459).

Section 4 of the Act requires that we consider economic and other relevant impacts prior to making a final decision on what areas to designate as critical habitat. A final economic analysis and final environmental assessment were made available concurrent with the publication of the August 9, 2005, final critical habitat designation (70 FR 46304). We solicit data and comments from the public on the final economic analysis and final environmental assessment, as well as on all aspects of the proposed rule. We will review and consider all best available information including public comments or other information submitted previously or as part of the present comment period, as we develop our final determination. In particular, we may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided such exclusion will not result in the extinction of the species.

Public Comments Solicited

To ensure that the final critical habitat designation is complete and based on the best available scientific information, we are soliciting information from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. We particularly seek information concerning:

(1) The reasons why habitat on the Refuge should or should not be determined to be critical habitat as provided by section 4 of the Act, including whether the benefits of inclusion of these areas will or will not outweigh the benefits of exclusion from critical habitat designation;

(2) Specific information on the distribution of the four invertebrates and their habitats, and which habitats are essential to the conservation of the species and why;

(3) Land use management and current or planned activities in the subject area and their possible impacts on proposed critical habitat;

(4) Any foreseeable economic, environmental, or other impacts resulting from the proposed designation of critical habitat;

(5) Whether the economic analysis makes appropriate assumptions regarding current practices and likely regulatory changes imposed as a result of the designation of critical habitat; and

(6) Whether the economic analysis appropriately identifies all costs that could result or have already resulted from the designation.

Comments previously submitted on the February 12, 2002, proposed rule (67 FR 6459) need not be resubmitted as they have been incorporated into the public record as part of this reopening of the comment period and will be fully considered in preparation of the final rule. Comments submitted during this comment period also will be incorporated into the public record and will be fully considered in the final rule.

You may submit comments and materials concerning the proposed rule, the associated economic analysis, and the associated environmental assessment by one of the methods listed in the **ADDRESSES** section. We will not consider comments sent by e-mail or fax, or to an address not listed in the **ADDRESSES** section.

If you submit a comment via *http://www.regulations.gov*, your entire comment—including your personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy comments on *http://www.regulations.gov*.

Comments and materials we receive, as well as supporting documentation we used in preparing this notice, will be available for public inspection on *http://www.regulations.gov*, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office (*see* **FOR FURTHER INFORMATION CONTACT**).

You may obtain copies of the proposed rule, the final economic analysis, and the final environmental assessment on the Internet at *http://www.regulations.gov*, or by mail from the New Mexico Ecological Services Field Office.

Author

The primary authors of this notice are the staff of the New Mexico Ecological Services Field Office, 2105 Osuna NE, Albuquerque, NM 87113.

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: March 3, 2009.

Jane Lyder,

Assistant Deputy Secretary for Department of the Interior.

[FR Doc. E9–5357 Filed 3–11–09; 8:45 am]

BILLING CODE 4310-55-S

Notices

Federal Register

Vol. 74, No. 47

Thursday, March 12, 2009

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request; Correction

March 6, 2009.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Importation of Christmas Cactus and Easter Cactus in Growing Media from the Netherlands and Denmark.

OMB Control Number: 0579–0266.

Summary of Collection: Under the Plant Protection Act (PPA) (7 U.S.C. 7701–7772), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent the introduction of plant pests into the United States or their dissemination within the United States. The regulations contained in ''Subpart-Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products,'' prohibit or restrict, among other things the importation of living plants, plant parts, and seeds for propagation. Christmas cactus and Easter cactus established in growing media are now allowed to be imported into the United States from the Netherlands and Denmark under certain conditions.

Need and Use of the Information: The Animal and Plant Health Inspection Service (APHIS) requires a phytosanitary certificate and a declaration stating the plants were grown in accordance with specific conditions, an agreement between APHIS and the plant protection services of the country where the plants are grown, and an agreement between the foreign plant protection service and the grower. The information is used as a guide to the intensity of the inspection that APHIS must conduct when the shipment arrives. Without this information, all shipments would need to be inspected very thoroughly, thereby requiring considerably more time.

Description of Respondents: Business or other for-profit; Federal Government.

Number of Respondents: 20.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 120.

Animal and Plant Health Inspection Service

Title: Importation of Peppers from Certain Central American Countries.

OMB Control Number: 0579–0274.

Summary of Collection: Under the Plant Protection Act (PPA) (7 U.S.C. 7701–7772), the Secretary of Agriculture is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests new to the United States or not known to be widely distributed throughout the United States. Regulations authorized by the PPA concerning the importation of fruits and vegetables into the United States from certain parts of the world are contained in ''Subpart Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–47). The Animal and Plant Health Inspection Service (APHIS) amended the fruits and vegetables regulations to allow certain type of peppers grown in approved registered production sites in Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua to be imported, under certain conditions, into the United States without treatment.

Need and Use of the Information: The regulations require the use of information collection activities including inspections by Central American national plant protection organization officials, fruit fly trapping, monitoring, recordkeeping, box labeling, and phytosanitary certificate. Failing to collect this information would cripple APHIS' ability to ensure that peppers from Central America are not carrying fruit flies.

Description of Respondents: Not-for-profit institutions.

Number of Respondents: 245.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 2,999.

Animal and Plant Health Inspection Service

Title: Importation of Peppers from the Republic of Korea.

OMB Control Number: 0579–0282.

Summary of Collection: Under the Plant Protection Act (PPA) (7 U.S.C. 7701–7772), the Secretary of Agriculture is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests new to the United States or not known to be widely distributed throughout the United States. Regulations authorized by the PPA concerning the importation of fruits and vegetables into the United States from certain parts of the world are contained in ''Subpart Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–47). The Animal and Plant Health Inspection Service (APHIS) amended the fruits and vegetables regulations to allow the

importation of peppers from the Republic of Korea under certain conditions. As a condition of entry, the peppers would have to be grown in approved insect-proof, pest-free greenhouses and packed in pest-exclusionary packinghouses.

Need and Use of the Information: Each shipment of pepper from the Republic of Korea must be accompanied by a phytosanitary certificate of inspection with a declaration issued by the National Plant Quarantine Service of Korea officials stating the peppers were grown in greenhouses in accordance with the regulations in 7 CFR 319–56–42 and found free of certain plant pests. Failing to collect this information would cripple APHIS' ability to ensure that peppers from Korea are not carrying plant pests and would cause millions of dollars in damage to U.S. agriculture.

Description of Respondents: Not-for-profit institutions.

Number of Respondents: 2.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 308.

Animal and Plant Health Inspection Service

Title: Importation of Small Lots of Seeds Without Phytosanitary Certificates.

OMB Control Number: 0579–0285.

Summary of Collection: Under the Plant Protection Act (PPA) (7 U.S.C. 7701–7772), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent the introduction of plant pests into the United States or their dissemination within the United States. The regulations contained in ''Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products,'' prohibit or restrict, among other things the importation of living plants, plant parts, and seeds for propagation.

The Animal and Plant Health Inspection Service (APHIS) amended the nursery stock regulations to allow the importation of small lots of seed under an import permit with specific conditions, as an alternative to the current phytosanitary certificate requirements. This change was necessary because several entities that import small lots of seed had difficulty obtaining the necessary certificates and have been adversely affected by the phytosanitary certificate requirement.

Need and Use of the Information: APHIS' Plant Protection and Quarantine program will issue a permit indicating the applicable conditions for importation if, after reviewing the application, the articles are deemed eligible to be imported into the United States under the conditions specified in the permit. Permits would be issued at the discretion of APHIS to any importer, whether an individual or an organization, who would then send the permit to the overseas supplier. A certificate of inspection in the form of a label is required to be attached to each carton of the articles and to an airway bill of lading or delivery tick accompanying the articles. Each seed packet must be clearly labeled with the name of the collector/shipper, the country or origin, and the scientific name at least to the genus level, and preferably to the species level. Without the information APHIS could not verify that imported nursery stock does not present significant risk of introducing plant pests and plant disease into the United States.

Description of Respondents: Individuals or households; business or other for-profit.

Number of Respondents: 1,600.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 740.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E9–5301 Filed 3–11–09; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request, Correction

March 6, 2009.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food Safety and Inspection Service

Title: Consumer Complaint Monitoring System—Food Safety Mobile Questionnaire.

OMB Control Number: 0583–0133.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), and the Egg Product Inspection Act (EPIA) (21 U.S.C. 1031 *et seq.*). These statutes mandate that FSIS protect the public by ensuring that meat and poultry products are safe, wholesome, unadulterated, and properly labeled and packaged. FSIS tracks consumer complaints about meat, poultry, and egg products. FSIS also has a Food Safety Mobile that travels around the continental United States promoting food safety with respect to meal, poultry, and egg products.

Need and Use of the Information: FSIS will use the information collected from the Web portal and the questionnaire to look for trends that will enhance the Agency's food safety efforts. FSIS will also collect information that will assist them in planning and scheduling visits of the Food Safety Mobile.

Description of Respondents: Individuals or households; not-for-profit institutions.

Number of Respondents: 650.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 139.

Food Safety and Inspection Service

Title: Voluntary Recalls of Meat and Poultry Products.

OMB Control Number: 0583–0135.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*) These statutes mandate that FSIS protect the public by ensuring that meat and poultry products are safe, wholesome, unadulterated, and properly labeled and packaged. A firm that has produced or imported meat or poultry that is adulterated or misbranded and is being distributed in commerce, may voluntarily recall the product in question. When a firm voluntarily recalls a product, FSIS will conduct a recall effectiveness check.

Need and Use of the Information: In conducting a recall, the establishment will be asked to provide FSIS with some basic information, including the identity of the recalled product, the reason for the recall, and information about the distributors and customers of the product. FSIS will check on the effectiveness of the recall to ensure that all products subject to recall are accounted for. FSIS field personnel will use FSIS form 8400–4 A to determine (1) if the retail consignee received notification of the recall and (2) the amount of recalled products received. FSIS field personnel will also use FSIS form 8400–4 B to verify that product held by the retail consignee was properly disposed.

Description of Respondents: Business or other for-profit.

Number of Respondents: 3,060.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 3,700.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E9–5302 Filed 3–11–09; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2009–0003]

Notice of Request for Extension of Approval of an Information Collection; Importation of Tomatoes From Certain Central American Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with regulations for the importation of tomatoes from certain Central American countries.

DATES: We will consider all comments that we receive on or before May 11, 2009.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2009-0003* to submit or view comments and to view supporting and related materials available electronically.
- *Postal Mail/Commercial Delivery:* Please send two copies of your comment to Docket No. APHIS–2009–0003, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2009–0003.

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

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

FOR FURTHER INFORMATION CONTACT: For information on regulations for the importation of tomatoes from certain Central American countries, contact Ms. Donna L. West, Senior Import Specialist, Commodity Import Analysis and Operations, PPQ, APHIS, 4700 River Road Unit 133 Riverdale, MD 20737; (301) 734–8758. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:

Title: Importation of Tomatoes from Certain Central American Countries.

OMB Number: 0579–0286.

Type of Request: Extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. Regulations authorized by the PPA concerning the importation of fruits and vegetables into the United States from certain parts of the world are contained in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–48).

Under these regulations, pink or red tomatoes from Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama may be imported into the United States only under certain conditions to prevent the introduction of plant pests into the United States. The regulations require information collection activities, including phytosanitary certificates with an additional declaration statement, production site and packinghouse inspection records, monitoring and auditing of the trapping program, trapping records, and labeling of boxes.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(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 our 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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.*, permitting electronic submission of responses.

Estimate of Burden: The public reporting burden for this collection of information is estimated to average 0.0027516 hours per response.

Respondents: Importers and Central American national plant protection organizations and producers.

Estimated Annual Number of Respondents: 24.

Estimated Annual Number of Responses per Respondent: 4,345.8333.

Estimated Annual Number of Responses: 104,300.

Estimated Total Annual Burden on Respondents: 287 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 6th day of March 2009.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E9–5371 Filed 3–11–09; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2009–0008]

Availability of an Environmental Assessment for a Biological Control Agent for Russian Knapweed

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability and request for comments.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment relative to the control of Russian knapweed, *Acroptilon repens.* The environmental assessment considers the effects of, and alternatives to, the release of a gall midge, *Jaapiella ivannikovi,* into the continental United States for use as a biological control agent to reduce the severity of Russian knapweed infestations. We are making the environmental assessment available to the public for review and comment.

DATES: We will consider all comments that we receive on or before April 13, 2009.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS–2009–0008* to submit or view comments and to view supporting and related materials available electronically.
- *Postal Mail/Commercial Delivery:* Please send two copies of your comment to Docket No. APHIS–2009–0008, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2009–0008.

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

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

FOR FURTHER INFORMATION CONTACT: Dr. L. Carmen Soileau, Senior Staff Entomologist, Permits, Registrations, Imports, and Manuals, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1237; (866) 524–5421.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) is proposing to issue permits for the release of a gall midge, *Jaapiella ivannikovi*, into the continental United States for use as a biological control agent to reduce the severity of Russian knapweed (*Acroptilon repens*) infestations.

Russian knapweed is a long-lived perennial in the plant tribe Asteraceae (sunflower, aster, or daisy family). The highly invasive weed was first introduced into North America in 1898. By 1998, the weed had spread to 313 counties in 45 of the 48 contiguous States in the United States with 80 percent of the infestation occurring in the States of Colorado, Idaho, Washington, and Wyoming. Russian knapweed thrives in a variety of habitats and is found in both irrigated and arid environments and in croplands, pastures, rangelands, and wastelands. The weed is a strong competitor and produces a chemical substance that inhibits the growth of other plant species, and, as a result, dense (100–300 plants/square meter) infestations may develop. It is generally not used for forage because of its bitter taste and because it presents a risk of causing neurological disorders in horses if consumed. Additionally, it reduces wildlife habitats, suppresses other plants, and has no beneficial qualities.

Existing Russian knapweed management options are ineffective, expensive, and temporary and have negative impacts on other species of plants. Therefore, APHIS is proposing to issue permits for the release of a gall midge, *J. ivannikovi*, into the continental United States for use as a biological control agent to reduce the severity of Russian knapweed infestations.

The proposed biological control agent, *J. ivannikovi*, is an insect measuring 1.6 to 2.5 mm in length with relatively large wings, long legs, and a long ovipositor (egg-laying organ) that can be extended from the tip of the abdomen. The female gall midge deposits its eggs on the surface of the buds situated on the tips of the main and side shoots of the Russian knapweed. Larval feeding causes stunted growth of the shoot and fusion of leaves, resulting in a so-called ''rosette gall.''

Host specificity laboratory tests conducted at the CABI Bioscience Centre in Deleémont, Switzerland, and open-field experiments in Uzbekistan indicate that *J. ivannikovi* is host-specific to Russian knapweed. The list of plants tested in the laboratory consisted of the target plant, Russian knapweed, collected in the native range (Uzbekistan), a population of Russian knapweed collected in North America (Wyoming), and 50 non-target plant species or varieties. During these tests, several male and female *J. ivannikovi* gall midges were placed into a plastic cylinder that covered each plant. After exposure, the plants were inspected for gall formation. In these laboratory tests, galls occurred only on the target weed Russian knapweed and on the Eurasian knapweed.

In addition to the laboratory tests, gall formation tests were conducted under open-field conditions in an experimental garden at the Institute of Zoology, Tashkent, Uzbekistan. Test plant species were either grown from seed or collected in the local area and transplanted to the experimental sites and were arranged with Russian knapweed in a randomized design. *J. ivannikovi* galls were collected locally over an approximate span of 2 years. In these tests, gall formation was recorded in large numbers on Russian knapweed but on no other test plant species, including the Eurasian knapweed.

APHIS' review and analysis of the proposed action are documented in detail in an environmental assessment (EA) entitled ''Field Release of *Jaapiella ivannikovi* (Diptera: Cecidomyiidae), an Insect for Biological Control of Russian Knapweed (*Acroptilon repens*), in the Continental United States'' (December 2008). We are making the EA available to the public for review and comment. We will consider all comments that we

receive on or before the date listed under the heading **DATES** at the beginning of this notice.

The EA may be viewed on the Regulations.gov Web site or in our reading room (see **ADDRESSES** above for instructions for accessing *Regulations.gov* and information on the location and hours of the reading room). You may request paper copies of the EA by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the title of the EA when requesting copies.

The EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 6th day of March 2009.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E9–5370 Filed 3–11–09; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2009–0009]

National Advisory Committee on Microbiological Criteria for Foods

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: This notice announces that the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) will hold public meetings of the full Committee and subcommittees on March 16–20, 2009. The Committee will discuss: (1) Determination of the most appropriate technologies for the Food Safety and Inspection Service (FSIS) to adopt in performing routine and baseline microbiological analyses, and (2) Parameters for inoculated-pack challenge study protocols.

DATES: The full Committee will hold an open meeting on Friday, March 20, 2009, from 9 a.m. to 4 p.m. The Subcommittee on Determination of the Most Appropriate Technologies for the FSIS to Adopt in Performing Routine and Baseline Microbiological Analyses will hold open meetings on Monday, March 16, and Tuesday, March 17, 2009, from 8:30 a.m. to 5 p.m.; and Wednesday, March 18, from 8:30 a.m. to 12 p.m. The Subcommittee on Parameters for inoculated-pack challenge study protocols will hold open meetings on Wednesday, March 18, and Thursday, March 19, 2009, from 8:30 a.m. to 5 p.m.

ADDRESSES: The March 16–19, 2009, subcommittee meetings will be held at the Aerospace Center, 901 D Street, SW., Rooms 369–371, Washington, DC 20024. The March 20, 2009, full Committee meeting will be held in the conference room at the south end of the U.S. Department of Agriculture (USDA) cafeteria located in the South Building, 1400 Independence Avenue, SW., Washington, DC 20250. All documents related to the full Committee meeting will be available for public inspection in the FSIS Docket Room, USDA, 1400 Independence Avenue, SW., Room 2534 South Building, Washington, DC 20250, between 8:30 a.m. and 4:30 p.m., Monday through Friday, as soon as they become available. The NACMCF documents will also be available on the Internet at *http://www.fsis.usda.gov/Regulations_&_Policies/2009_Notices_Index/index.asp*.

FSIS will finalize an agenda on or before the meeting dates and post it on the FSIS Web page at *http://www.fsis.usda.gov/News/Meetings_&_Events/*. Please note that the meeting agenda is subject to change due to the time required for Committee discussions; thus, sessions could start or end earlier or later than anticipated. Please plan accordingly if you would like to attend a particular session or participate in a public comment period.

Also, the official transcript of the March 20, 2009, full Committee meeting, when it becomes available, will be kept in the FSIS Docket Room at the above address and will also be posted on *http://www.fsis.usda.gov/About/NACMCF_Meetings/*.

The mailing address for the contact person is: Karen Thomas-Sharp, USDA, FSIS, Office of Public Health Science, 1400 Independence Avenue, SW., 333 Aerospace Center, Washington, DC 20250–3766.

FOR FURTHER INFORMATION CONTACT: Persons interested in making a presentation, submitting technical papers, or providing comments at the March 20, plenary session should contact Karen Thomas-Sharp, phone (202) 690–6620, fax (202) 690–6334, e-mail: *Karen.thomas-sharp@fsis.usda.gov* or at the mailing address above. Persons requiring a sign language interpreter or other special accommodations should notify Mrs. Thomas-Sharp by March 9, 2009.

SUPPLEMENTARY INFORMATION:

Background

The NACMCF was established in 1988, in response to a recommendation of the National Academy of Sciences for an interagency approach to microbiological criteria for foods, and in response to a recommendation of the U.S. House of Representatives Committee on Appropriations, as expressed in the Rural Development, Agriculture, and Related Agencies Appropriation Bill for fiscal year 1988. The charter for the NACMCF is available for viewing on the FSIS Internet Web page at *http://www.fsis.usda.gov/About/NACMCF_Charter/*.

The NACMCF provides scientific advice and recommendations to the Secretary of Agriculture and the Secretary of Health and Human Services on public health issues relative to the safety and wholesomeness of the U.S. food supply, including development of microbiological criteria and review and evaluation of epidemiological and risk assessment data and methodologies for assessing microbiological hazards in foods. The Committee also provides scientific advice and recommendations to the Centers for Disease Control and Prevention and the Departments of Commerce and Defense.

Mr. Ronald F. Hicks, Acting Deputy Under Secretary for Food Safety, USDA, is the Committee Chair; Dr. Stephen Sundlof, Director of the Food and Drug Administration's Center for Food Safety and Applied Nutrition (CFSAN), is the Vice-Chair; and Gerri Ransom, FSIS, is the Executive Secretary.

At the subcommittee meetings the week of March 16–19, 2009, the groups will discuss:

- The determination of the most appropriate technologies for the FSIS to adopt in performing routine and baseline microbiological analyses, and
- Parameters for inoculated-pack challenge study protocols.

Documents Reviewed by NACMCF

FSIS intends to make available to the public all materials that are reviewed and considered by NACMCF regarding its deliberations. Generally, these materials will be made available as soon as possible after the full Committee meeting. Further, FSIS intends to make these materials available in electronic format on the FSIS Web page (*http://www.fsis.usda.gov*), as well as in hard copy format in the FSIS Docket Room. Often, an attempt is made to make the materials available at the start of the full

Committee meeting when sufficient time is allowed in advance to do so.

Disclaimer: NACMCF documents and comments posted on the FSIS Web site are electronic conversions from a variety of source formats. In some cases, document conversion may result in character translation or formatting errors. The original document is the official, legal copy.

In order to meet the electronic and information technology accessibility standards in Section 508 of the Rehabilitation Act, NACMCF may add alternate text descriptors for non-text elements (graphs, charts, tables, multimedia, etc.). These modifications only affect the online copies of the documents.

Copyrighted documents will not be posted on the FSIS Web site, but will be available for inspection in the FSIS Docket Room.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it online through the FSIS Web page located at *http://www.fsis.usda.gov/regulations/2009_Notices_Index/*. FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. Through the Listserv and Web page, FSIS is able to provide information to a much broader and more diverse audience. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/news_and_events/email_subscription/*. Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC, on March 6, 2009.

Bryce Quick,

Deputy Administrator, FSIS.

[FR Doc. E9–5308 Filed 3–11–09; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Galena Project, Malheur National Forest, Grant County, OR

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA Forest Service will prepare an environmental impact statement (EIS) to disclose environmental effects on a proposed action to improve forest health and reduce the fire hazard within the Vinegar Creek and Little Boulder/Deerhorn Creek subwatersheds. The Galena Project planning area, located approximately 2 miles west of Bates, Oregon, encompasses approximately 38,200 acres of National Forest System Lands administered by the Blue Mountain Ranger District, Malheur National Forest.

DATES: Comments concerning the scope of the analysis must be received by April 13, 2009. The draft environmental impact statement is expected August, 2009 and the final environmental impact statement is expected December, 2009.

ADDRESSES: Send written comments to the Responsible Official, Doug Gochnour, Forest Supervisor, Malheur National Forest, 431 Patterson Bridge Road, P.O. Box 909, John Day, Oregon 97845. Comments may also be sent via e-mail to *comments-pacificnorthwest-malheur@fs.fed.us* or via facsimile to 541–575–3002.

It is important that reviewers provide their comments at such times and in such a way that they are useful to the Agency's preparation of the EIS. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. The submission of timely and specific comments can affect a reviewer's ability to participate in subsequent administrative review or judicial review.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the respondent with standing to participate in subsequent administrative review or judicial review.

FOR FURTHER INFORMATION CONTACT: Eric Wunz, Project Manager, Malheur National Forest, 431 Patterson Bridge Road, P.O. Box 909, John Day, Oregon, telephone 541–575–3167, e-mail *ewunz@fs.fed.us*.

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

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The purpose and need of the Galena project is to improve the forest health and reduce the fire hazard within the Vinegar Creek and Little Boulder/Deerhorn Creek subwatersheds.

Proposed Action

This action includes precommercial thinning on approximately 2,800 acres, commercial harvest on approximately 6,900 acres, and underburning on approximately 24,000 acres. Harvest methods would include ground-based and skyline logging systems. Several roads are to be relocated out of riparian areas, resulting in new road construction in some locations. Other road activities include maintenance and reconstruction of existing roads, opening and re-closing existing closed roads, and building short temporary roads that are to be decommisioned after use. No commercial harvest or road construction is proposed within Appendix C Inventoried Dixie Butte and Vinegar Hill-Indian Rock Roadless Areas. Two Forest Plan amendments would be included that would allow reduction of satisfactory cover on 128 acres in the warm dry forest type and to add additional designated and replacement old growth stands to meet current Forest Plan standards.

Possible Alternatives

Alternatives will include the proposed action, no action, and additional alternatives that respond to issues generated during the scoping process. The agency will give notice of the full environmental analysis and decision-making process to interested and affected people may participate and contribute to the final decision.

Responsible Official and Nature of Decision To Be Made

The Responsible Official is Doug Gochnour, Forest Supervisor of the

Malheur National Forest, 431 Patterson Bridge Road, P.O. Box 909, John Day, OR 97845. The Responsible Official will decide if the proposed project will be implemented and will document the decision and reasons for the decision in a Record of Decision. That decision will be subject to Forest Service Appeal Regulations. The responsibility for preparing the DEIS and FEIS has been delegated to Brooks Smith, District Ranger, Blue Mountain Ranger District.

Preliminary Issues

Preliminary issues identified include the potential effect of the proposed action on: Soils, water quality and fish habitat, snags and down wood, disturbance to cultural resources, potential for noxious weed expansion, threatened, endangered and sensitive aquatic, terrestrial and plant species, potential loss of economic value of trees damaged by insects or wildfire, and the safety and use of the area by public and land managers.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. Public participation will be especially important at several points during the analysis, beginning with the scoping process (40 CFR 1501.7). Initial scoping began with the project listed in the 2009 Winter Edition of the Malheur National Forest's Schedule of Proposed Actions. A Public meeting has been planned for April 8, 2009 to discuss the project. Also, correspondence with tribes, government agencies, organizations, and individuals who have indicated their interest will be conducted.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. The submission of timely and specific comments can affect a reviewer's ability to participate in subsequent administrative appeal or judicial review.

Dated: March 6, 2009.

Doug Gochnour,

Forest Supervisor.

[FR Doc. E9–5364 Filed 3–11–09; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

National Tree-Marking Paint Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The National Tree-marking Paint Committee will meet in Chicago, Illinois, on May 12–14, 2009. The purpose of the meeting is to discuss activities related to improvements in, concerns about, and the handling and use of tree-marking paint by personnel of the Forest Service and the Department of the Interior Bureau of Land Management.

DATES: The meeting will be held May 12–14, 2009, from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Hyatt Regency Chicago, 151 East Wacker Drive, Chicago, IL 60601. Persons who wish to file written comments before or after the meeting must send written comments to Dave Haston, Chairman, National Tree-marking Paint Committee, Forest Service, USDA, San Dimas Technology and Development Center, 444 East Bonita Avenue, San Dimas, CA 91773, or electronically to *dhaston@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Dave Haston, Sr. Project Leader, San Dimas Technology and Development Center, Forest Service, USDA, (909) 599–1267, extension 294 or *dhaston@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The National Tree-marking Paint Committee comprises representatives from the Forest Service National Headquarters, each of the nine Forest Service regions, the Forest Products Laboratory, the Forest Service San Dimas Technology and Development Center, and the Bureau of Land Management. The General Services Administration and the National Institute for Occupational Safety and Health are ad hoc members and provide technical advice to the committee.

A field trip will be held on May 12 and is designed to supplement information related to tree-marking paint. This year the National Tree-marking Paint Committee will conduct a security inspection of the paint manufacturer and therefore the field trip is only open to committee members.

The main session of the meeting, which is open to public attendance, will be held on May 13–14.

Closed Sessions

While certain segments of this meeting are open to the public, there will be two closed sessions during the meeting. The first closed session is planned for approximately 10 a.m. to 12 p.m. on May 13, 2009. This session is reserved for individual paint manufacturers to present products and information about tree-marking paint for consideration in future testing and use by the agency. Paint manufacturers also may provide comments on tree-marking paint specifications or other requirements. This portion of the meeting is open only to paint manufacturers, the Committee, and Committee staff to ensure that trade secrets will not be disclosed to other paint manufacturers or to the public. Paint manufacturers wishing to make presentations to the Tree-marking Paint Committee during the closed session should contact the Committee chairperson at the telephone number listed at **FOR FURTHER INFORMATION CONTACT** in this notice. The second closed session is planned for approximately 9 a.m. to 11 a.m. on May 14, 2009. This session is reserved for Steering Committee members only.

Any person with special access needs should contact the Chairperson to make those accommodations. Space for individuals who are not members of the National Tree-marking Paint Committee is limited and will be available to the public on a first-come, first-served basis.

Dated: March 6, 2009.

Richard W. Sowa,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. E9–5341 Filed 3–11–09; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Inviting Applications for Rural Business Opportunity Grants

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Business-Cooperative Service (RBS), an Agency within the Rural Development mission area, announces the availability of grants of up to $50,000 per application from the Rural Business Opportunity Grant (RBOG) program for fiscal year (FY) 2009, to be competitively awarded. For multi-state projects, grant funds of up to $150,000 will be available on a competitive basis. These limits do not apply to specific funding for certain specifically designated rural areas as discussed below. This notice is being issued prior to passage of a final

appropriations bill, which may or may not provide funding for this program, to allow applicants sufficient time to apply for and obtain leverage financing, submit applications, and give the Agency time to process applications within the current fiscal year. The Agency will publish a subsequent notice identifying the amount received in the appropriations, if any. Expenses incurred in developing applications will be at the applicant's risk.

DATES: The deadline for the receipt of applications in the Rural Development State Office is March 31, 2009. The RBOG appropriation for FY 2009 may provide specific funding for rural areas designated: Federally Recognized Native American Tribes' (FRNAT), Empowerment Zones, Enterprise Communities, and Rural Economic Area Partnerships, and these applications must also be received in the Rural Development State Office by March 31, 2009. The Agency reserves the right to extend this application deadline. Any applications received at a Rural Development State Office after these dates for this type of assistance will not be considered for FY 2009 funding.

ADDRESSES: Entities wishing to apply for assistance should contact a Rural Development State Office for further information and copies of the application package. Submit applications to the USDA Rural Development State Office in the state where your project is located. A list of the USDA Rural Development State Office addresses and telephone numbers are as follows:

District of Columbia

USDA Rural Development, Specialty Lenders Division, 1400 Independence Avenue, SW., Room 6867, STOP 3225, Washington, DC 20250–3225, (202) 720–1400.

A list of Rural Development State Offices follows:

Alabama

USDA Rural Development State Office, Sterling Centre, Suite 601, 4121 Carmichael Road, Montgomery, AL 36106–3683, (334) 279–3400/TDD (334) 279–3495.

Alaska

USDA Rural Development State Office, 800 West Evergreen, Suite 201, Palmer, AK 99645–6539, (907) 761–7705/TDD (907) 761–8905.

Arizona

USDA Rural Development State Office, 230 N. 1st Ave., Suite 206, Phoenix, AZ 85003, (602) 280–8701/TDD (602) 280–8705.

Arkansas

USDA Rural Development State Office, 700 West Capitol Avenue, Room 3416, Little Rock, AR 72201–3225, (501) 301–3200/TDD (501) 301–3279.

California

USDA Rural Development State Office, 430 G Street, # 4169, Davis, CA 95616–4169, (530) 792–5800/TDD (530) 792–5848.

Colorado

USDA Rural Development State Office, 655 Parfet Street, Room E–100, Lakewood, CO 80215, (720) 544–2903/TDD (720) 544–2976.

Delaware-Maryland

USDA Rural Development State Office, 1221 College Park Drive, Suite 200, Dover, DE 19904, (302) 857–3580/TDD (302) 857–3585.

Florida/Virgin Islands

USDA Rural Development State Office, 4440 NW 25th Place, P.O. Box 147010, Gainesville, FL 32614–7010, (352) 338–3400/TDD (352) 338–3499.

Georgia

USDA Rural Development State Office, Stephens Federal Building, 355 E. Hancock Avenue, Athens, GA 30601–2768, (706) 546–2162/TDD (706) 546–2034.

Hawaii

USDA Rural Development State Office, Federal Building, Room 311, 154 Waianuenue Avenue, Hilo, HI 96720, (808) 933–8380/TDD (808) 933–8321.

Idaho

USDA Rural Development State Office, 9173 West Barnes Drive, Suite A1, Boise, ID 83709, (208) 378–5600/TDD (208) 378–5644.

Illinois

USDA Rural Development State Office, 2118 West Park Court, Suite A, Champaign, IL 61821, (217) 403–6200/TDD (217) 403–6240.

Indiana

USDA Rural Development State Office, 5975 Lakeside Boulevard, Indianapolis, IN 46278, (317) 290–3100/TDD (317) 290–3343.

Iowa

USDA Rural Development State Office, Federal Building, Room 873, 210 Walnut Street, Des Moines, IA 50309, (515) 284–4663/TDD (515) 284–4858.

Kansas

USDA Rural Development State Office, 1303 S.W. First American Place, Suite 100, Topeka, KS 66604–4040, (785) 271–2700/TDD (785) 271–2767.

Kentucky

USDA Rural Development State Office, 771 Corporate Drive, Suite 200, Lexington, KY 40503, (859) 224–7300/TDD (859) 224–7422.

Louisiana

USDA Rural Development State Office, 3727 Government Street, Alexandria, LA 71302, (318) 473–7921/TDD (318) 473–7655.

Maine

USDA Rural Development State Office, 967 Illinois Avenue, Suite 4, P.O. Box 405, Bangor, ME 04402–0405, (207) 990–9160/TDD (207) 942–7331.

Massachusetts/Rhode Island/Connecticut

USDA Rural Development State Office, 451 West Street, Suite 2, Amherst, MA 01002–2999, (413) 253–4300/TDD (413) 253–4590.

Michigan

USDA Rural Development State Office, 3001 Coolidge Road, Suite 200, East Lansing, MI 48823, (517) 324–5190/TDD (517) 324–5169.

Minnesota

USDA Rural Development State Office, 375 Jackson Street, Suite 410, St. Paul, MN 55101–1853, (651) 602–7800/TDD (651) 602–3799.

Mississippi

USDA Rural Development State Office, Federal Building, Suite 831, 100 West Capitol Street, Jackson, MS 39269, (601) 965–4316/TDD (601) 965–5850.

Missouri

USDA Rural Development State Office, 601 Business Loop 70 West, Parkade Center, Suite 235, Columbia, MO 65203, (573) 876–0976/TDD (573) 876–9480.

Montana

USDA Rural Development State Office, 900 Technology Boulevard, Suite B, P.O. Box 850, Bozeman, MT 59771, (406) 585–2580/TDD (406) 585–2562.

Nebraska

USDA Rural Development State Office, Federal Building, Room 152, 100 Centennial Mall North, Lincoln, NE 68508, (402) 437–5551/TDD (402) 437–5093.

Nevada

USDA Rural Development State Office, 1390 South Curry Street, Carson City, NV 89703–5146, (775) 887–1222/TDD (775) 885–0633.

New Jersey

USDA Rural Development State Office, 8000 Midlantic Drive, 5th Floor North, Suite 500, Mt. Laurel, NJ 08054, (856) 787–7700/TDD (856) 787–7784.

New Mexico

USDA Rural Development State Office, 6200 Jefferson Street, NE., Room 255, Albuquerque, NM 87109, (505) 761–4950/TDD (505) 761–4938.

New York

USDA Rural Development State Office, The Galleries of Syracuse, 441 South Salina Street, Suite 357, Syracuse, NY 13202–2541, (315) 477–6400/TDD (315) 477–6447.

North Carolina

USDA Rural Development State Office, 4405 Bland Road, Suite 260, Raleigh, NC 27609, (919) 873–2000/TDD (919) 873–2003.

North Dakota

USDA Rural Development State Office, Federal Building, Room 208, 220 East Rosser, P.O. Box 1737, Bismarck, ND 58502–1737, (701) 530–2037/TDD (701) 530–2113.

Ohio

USDA Rural Development State Office, Federal Building, Room 507, 200 North High Street, Columbus, OH 43215–2418, (614) 255–2400/TDD (614) 255–2554.

Oklahoma

USDA Rural Development State Office, 100 USDA, Suite 108, Stillwater, OK 74074–2654, (405) 742–1000/TDD (405) 742–1007.

Oregon

USDA Rural Development State Office, 1201 NE Lloyd Blvd., Suite 801, Portland, OR 97232, (503) 414–3300/TDD (503) 414–3387.

Pennsylvania

USDA Rural Development State Office, One Credit Union Place, Suite 330, Harrisburg, PA 17110–2996, (717) 237–2299/TDD (717) 237–2261.

Puerto Rico

USDA Rural Development State Office, IBM Building, Suite 601, 654 Munos Rivera Avenue, San Juan, PR 00918–6106, (787) 766–5095/TDD (787) 766–5332.

South Carolina

USDA Rural Development State Office, Strom Thurmond Federal Building, 1835 Assembly Street, Room 1007, Columbia, SC 29201, (803) 765–5163/TDD (803) 765–5697.

South Dakota

USDA Rural Development State Office, Federal Building, Room 210, 200 Fourth Street, SW., Huron, SD 57350, (605) 352–1100/TDD (605) 352–1147.

Tennessee

USDA Rural Development State Office, 3322 West End Avenue, Suite 300, Nashville, TN 37203–1084, (615) 783–1300.

Texas

USDA Rural Development State Office, Federal Building, Suite 102, 101 South Main, Temple, TX 76501, (254) 742–9700/TDD (254) 742–9712.

Utah

USDA Rural Development State Office, Wallace F. Bennett Federal Building, 125 South State Street, Room 4311, Salt Lake City, UT 84138, (801) 524–4320/TDD (801) 524–3309.

Vermont/New Hampshire

USDA Rural Development State Office, City Center, 3rd Floor, 89 Main Street, Montpelier, VT 05602, (802) 828–6000/TDD (802) 223–6365.

Virginia

USDA Rural Development State Office, 1606 Santa Rosa Road, Suite 238, Richmond, VA 23229–5014, (804) 287–1550/TDD (804) 287–1753.

Washington

USDA Rural Development State Office, 1835 Black Lake Boulevard SW., Suite B, Olympia, WA 98512–5715, (360) 704–7740/TDD (360) 704–7760.

West Virginia

USDA Rural Development State Office, 75 High Street, Room 320, Morgantown, WV 26505–7500, (304) 284–4860/TDD (304) 284–4836.

Wisconsin

USDA Rural Development State Office, 4949 Kirschling Court, Stevens Point, WI 54481, (715) 345–7600/TDD (715) 345–7614.

Wyoming

USDA Rural Development State Office, 100 East B, Federal Building, Room 1005, P.O. Box 11005, Casper, WY 82602–5006, (307) 233–6700/TDD (307) 233–6733.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Business-Cooperative Service (RBS).

Funding Opportunity Type: Rural Business Opportunity Grants.

Announcement Type: Initial Solicitation Announcement.

Catalog of Federal Domestic Assistance Number: 10.773.

Dates: Application Deadline: Completed applications for these funds must be received in the Rural Development State Office no later than March 31, 2009, to be eligible for FY 2009 grant funding. Applications received after this date will not be eligible for FY 2009 grant funding.

I. Funding Opportunity Description

The RBOG program is authorized under section 306(a)(11) of the Consolidated Farm and Rural Development Act (CONACT) (7 U.S.C. 1926(a)(11)). The Rural Development State Offices administer the RBOG program on behalf of USDA Rural Development at the State level. The primary objective of the program is to improve the economic conditions of rural areas. Assistance provided to rural areas under this program may include technical assistance for business development and economic development planning. To ensure that a broad range of communities have the opportunity to benefit from the program, no grant will exceed $50,000, unless it is a multi-State project where funds may not exceed $150,000. As indicated in the summary, these limits do not apply to specified funding for rural areas designated: FRNAT's, Empowerment Zones, Enterprise Communities, and Rural Economic Area Partnerships.

Awards are made on a competitive basis using specific selection criteria contained in 7 CFR part 4284, subpart G. Information required to be in the application package include an SF–424, ''Application for Federal Assistance;'' applicant's organizational documents; Scope of Work Narrative; Income Sheet; Balance Sheet or current audit if available; AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions;'' AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions;'' AD–1049, ''Certification Regarding Drug-Free Workplace Requirements;'' Restrictions on Lobbying, RD 400–1, ''Equal Opportunity Agreement;'' and RD 400–4, ''Assurance Agreement.'' See 7 CFR 4284.639 for additional application requirements. Information required to be in the application package are contained in 7 CFR part 4284, subpart G. The State Director may assign up to 15 discretionary points to an application, and the Agency Administrator may assign up to 20 additional discretionary points for projects funded from the National Office reserve. Discretionary points awarded by the State Director or Administrator must be based on geographic distribution of funds, special importance for implementation of a strategic plan in partnership with other organizations, or extraordinary potential for success due to superior project plans or qualifications of the grantee. To ensure the equitable distribution of funds, a maximum of two projects from each State that score the greatest number of points based on the selection criteria and discretionary points will be considered by the National Office for funding. Applications will be tentatively scored by the State Offices and submitted to the National Office for final review and selection.

The National Office will review the scores based on the grant selection criteria and weights contained in 7 CFR part 4284, subpart G. All applicants will be notified by USDA Rural Development of the Agency's decision on the awards.

Definitions

The definitions are published at 7 CFR 4284.603.

II. Award Information

Type of Award: Grant.

Fiscal Year Funds: FY 2009.

Total Funding: To be determined by appropriations bill, if any.

Approximate Number of Awards: To be determined by amount received in appropriations bill, if any.

Maximum Award: $50,000 (except as otherwise specifically provided herein).

Anticipated Award Date: June 30, 2009.

III. Eligibility Information

A. Eligible Applicants

Grants may be made to public bodies, nonprofit corporations, Indian tribes on Federal or State reservations and other federally recognized tribal groups, and cooperatives with members that are primarily rural residents and that conduct activities for the mutual benefit of the members.

B. Cost Sharing or Matching

Matching funds are not required.

C. Other Eligibility Requirements

Applications will only be accepted for projects to assist in promoting sustainable economic development in rural communities.

D. Completeness Eligibility

Applications will not be considered for funding if they do not provide sufficient information to determine eligibility or are missing required elements.

IV. Fiscal Year 2009 Application and Submission Information

A. Address To Request Application Package

For further information, entities wishing to apply for assistance should contact the Rural Development State Office identified in this notice to obtain copies of the application package.

Applicants are encouraged to submit applications through the Grants.gov Web site at: *http://www.grants.gov.* Applications may be submitted in either electronic or paper format. Users of Grants.gov will be able to download a copy of the application package, complete it offline, and then upload and submit the application via the Grants.gov Web site. Applications may not be submitted by electronic mail.

- When you enter the Grants.gov Web site, you will find information about submitting an application electronically through the site as well as the hours of operation. USDA Rural Development strongly recommends that you do not wait until the application deadline date to begin the application process through Grants.gov. Applicants must have a Dun and Bradstreet Data Universal Numbering System (DUNS) number which can be obtained at no cost via a toll-free request line at 1–866–705–5711.
- You may submit all documents electronically through the Web site, including all information typically included on the application for RBOGs and all necessary assurances and certifications.
- After electronically submitting an application through the Web site, the applicant will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number.
- USDA Rural Development may request that the applicant provide original signatures on forms at a later date.
- If applicants experience technical difficulties on the closing date and are unable to meet the deadline, you may submit a paper copy of your application to your respective Rural Development State Office. Paper applications submitted to a Rural Development State Office must meet the closing date and local time deadline.

Please note that applicants must locate the downloadable application package for this program by the Catalog of Federal Domestic Assistance Number or FedGrants Funding Opportunity Number, which can be found at *http://www.fedgrants.gov.*

In accordance with the Paperwork Reduction Act of 1995, the information collection requirement contained in this Notice is approved by the Office of Management and Budget (OMB) under OMB Control Number 0570–0024.

B. Content and Form of Submission

An application must contain all of the required elements. Each application received in a Rural Development State Office will be reviewed to determine if it is consistent with the eligible purposes contained in section 306 of the CONACT. Each selection priority criterion outlined in 7 CFR 4284.639, must be addressed in the application. Failure to address any of the criteria will result in a zero-point score for that criterion and will impact the overall evaluation of the application. Copies of 7 CFR part 4284, subpart G, will be provided to any interested applicant making a request to a Rural Development State Office listed in this notice, or can be obtained at the Rural Development Web link: *http://www.rurdev.usda.gov/regs/regs_toc.html.*

C. Submission Dates and Times

Application Deadline date: March 31, 2009.

Explanation of Deadlines: Applications for funds must be in the Rural Development State Office by the deadline date.

V. Application Review Information

The National Office will score applications based on the grant selection criteria and weights contained in 7 CFR part 4284, subpart G and will select a grantee subject to the grantee's satisfactory submission of the additional items required by 7 CFR part 4284, subpart G and the RBS Letter of Conditions.

VI. Award Administration Information

A. Award Notices

Successful applicants will receive notification for funding from the Rural Development State Office. Applicants must comply with all applicable statutes and regulations before the grant award will be approved. Unsuccessful applications will receive notification by mail.

B. Administrative and National Policy Requirements

Additional requirements that apply to grantees selected for this program can be found in the 7 CFR part 4284, subpart G.

VII. Agency Contacts

For general questions about this announcement, please contact your USDA Rural Development State Office identified in this notice.

Nondiscrimination Statement

''The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Adjudication and Compliance, 1400 Independence Avenue, SW., Washington, D.C. 20250–9410, or call (800) 795–3272 (voice), or (202) 720–6382 (TDD). USDA is an equal opportunity provider, employer, and lender.''

Dated: March 4, 2009.

Pat Fiala,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. E9–5407 Filed 3–11–09; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service, USDA.

ACTION: Proposed collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's (RHS) intention to request an extension for a currently approved information collection in support of Housing Application Packaging Grants.

DATES: Comments on this notice must be received by May 11, 2009 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Myron L. Wooden, Loan Specialist, Single Family Housing Direct Loan Division, RHS, U.S. Department of Agriculture, STOP 0783, South Building, Washington, DC 20250, Telephone 202–720–4780. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION:

Title: Housing Application Packaging Grants.

OMB Number: 0575–0157.

Expiration Date of Approval: June 30, 2009.

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

Abstract: The Rural Housing Service (RHS) under section 509 of the Housing Act of 1949, 42 U.S.C. 1479, provides grants to public and private nonprofit organizations and state and local governments to package housing applications for loans under section 502, 504, 514, 515, and 524 grants under section 533 of the Housing Act of 1949 in colonias and designated underserved counties. RHS reimburses eligible organizations for part or all of the costs of conducting, administering and coordinating an effective housing application packaging program in colonias and designated underserved counties. Eligible organizations assist very low and low-income families that are without adequate housing to buy, build, or repair housing for their own use. Also, the organizations package applications for loans to buy, build or repair rental units for lower income families.

RHS will be collecting information from grantees to assure the organizations participating in this program are eligible entities and have participated in RHS training in application packaging. The respondents are nonprofit organizations, States, State agencies, and units of general local government. The information required for approval of housing application packaging grants is used by RHS personnel to verify program eligibility requirements. The information is collected at the RHS field office responsible for the processing of the application being submitted. The information is also used to ensure the program is administered in a manner consistent with legislative and administrative requirements. If not collected, RHS would be unable to determine if a grantee would qualify for grant assistance.

The grantees facilitate the application process by helping applicants submit complete applications to RHS. This saves RHS time by prescreening applicants, making preliminary determinations of eligibility, ensuring that the application is complete, and helping the applicant understand the program.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3 hours per response.

Respondents: Private and public nonprofit organizations and State and local governments.

Estimated Number of Respondents: 100.

Estimated Number of Responses per Respondent: 4.

Estimated Number of Responses: 100.

Estimated Total Annual Burden on Respondents: 400 hours.

Copies of this information collection can be obtained from Linda Watts-Thomas, Regulations and Paperwork Management Branch, at (202) 692–0226.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of [Agency], including whether the information will have practical utility; (b) the accuracy of [Agency's] estimates of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Linda Watts-Thomas, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave., SW., Washington, DC 20250. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: February 2, 2009.

James C. Alsop,

Acting Administrator, Rural Housing Service.

[FR Doc. E9–5322 Filed 3–11–09; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's (RHS) intention to request an extension for a currently approved information collection in support of the program for Rural Housing Site Loans Policies, Procedures and Authorizations.

DATES: Comments on this notice must be received by May 11, 2009 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Nica Mathes, Senior Loan Specialist, Single Family Housing Direct Loan Division, RHS, U.S. Department of Agriculture, Stop 0783, 1400 Independence Ave., SW., Washington, DC 20250–0783, Telephone (202) 205–3656.

SUPPLEMENTARY INFORMATION:

Title: 7 CFR Part 1822-G, Rural Housing Site Loans, Policies, Procedures and Authorizations.

OMB Number: 0575–0071.

Expiration Date of Approval: May 31, 2009.

Type of Request: Extension of currently approved information collection.

Abstract: Section 523 of the Housing Act of 1949 as amended (Pub. L. 90–448) authorizes the Secretary of Agriculture to establish the Self-Help Land Development Fund to be used by the Secretary as a revolving fund for making loans on such terms and conditions and in such amounts as deemed necessary to public or private nonprofit organizations for the acquisition and development of the land as building sites to be subdivided and sold to families, nonprofit organizations and cooperatives eligible for assistance.

Section 524 authorizes the Secretary to make loans on such terms and conditions and in such amounts as deemed necessary to public or private nonprofit organizations for the acquisition and development of land as building sites to be subdivided and sold to families, nonprofit organizations, public agencies and cooperatives eligible for assistance under any section of this title, or under any other law which provides financial assistance for housing low and moderate income families.

RHS will be collecting information from participating organizations to ensure they are program eligible entities. This information will be collected at the RHS field office. If not collected, RHS would be unable to determine if the organization would qualify for loan assistance.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 6 hours per response.

Respondents: Public or private nonprofit organizations, State, Local or Tribal Governments.

Estimated Number of Respondents: 4.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Responses: 4.

Estimated Total Annual Burden on Respondents: 24.

Copies of this information collection can be obtained from Linda Watts Thomas, Regulations and Paperwork Management Branch, Support Services Division at (202) 692–0226.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of RHS, including whether the information will have practical utility; (b) the accuracy of RHS's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Linda Watts Thomas, Regulations and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave. SW., Washington, DC 20250. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: February 2, 2009.

James C. Alsop,

Acting Administrator, Rural Housing Service.

[FR Doc. E9–5323 Filed 3–11–09; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's intention to request an extension for a currently approved information collection in support of the Single Family Housing Direct Loans and Grants programs. The collection involves the use of Form RD 410–8 ''Applicant Reference Letter.'' The Form will be used to obtain information about an applicant's credit history that might not appear on a credit report and to provide clarification on the promptness of applicant's payments on debts which enables Rural Housing Service to make better creditworthiness decisions.

DATES: Comments on this notice must be received by May 11, 2009, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Migdaliz Bernier, Loan Specialist, Single Family Housing, Rural Housing Service, U.S. Department of Agriculture, Mail STOP 0783, 1400 Independence Ave., SW., Washington, DC 20250–0783. Phone number 202–690–3833; fax number 202–720–2232. Office hours are from 8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Form RD 410–8, ''Applicant Reference Letter''.

OMB Number: 0575–0091.

Expiration Date of Approval: June 30, 2009.

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

Abstract: The Rural Housing Service (RHS) must, by law, make available to the applicant, upon request, the source of information used to make an adverse decision. Individual references may be solicited with the clear understanding that if the information is used to deny credit the information will be made available to the applicant upon request. Without this information, the Agency is unable to determine if a customer would qualify for services.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3 minutes per response.

Respondents: Individuals and businesses already extending credit/financing to Section 502 and 504 applicants.

Estimated Number of Respondents: 33,837.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Responses: 33,837.

Estimated Total Annual Burden on Respondents: 1,692.

Copies of this information collection can be obtained from Linda Watts Thomas, Regulations and Paperwork Management Branch, at (202) 692–0226.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of Rural Housing Service, including whether the information will have practical utility; (b) the accuracy of Rural Housing Service's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Linda Watts Thomas, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave., SW., Washington, DC 20250.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: February 2, 2009.

James C. Alsop,

Acting Administrator, Rural Housing Service.

[FR Doc. E9–5324 Filed 3–11–09; 8:45 am]

BILLING CODE 3410XV–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's (RHS) intention to request an extension for a currently approved information collection in support of the program for the Housing Preservation Grant Program.

DATES: Comments on this notice must be received by May 11, 2009 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Bonnie Edwards-Jackson, Finance and Loan Analyst, Multi-Family Housing Preservation and Direct Loan Division, USDA Rural Development, Stop 0781, 1400 Independence Ave., SW., Washington, DC 20250–0782, telephone (202) 690–0759 (voice) (this is not a toll free number) or (800) 877–8339 (TDD–Federal Information Relay Service) or via e-mail at, *Bonnie.Edwards@wdc.usda.gov*.

SUPPLEMENTARY INFORMATION:

Title: RHS/Housing Preservation Grant Program.

OMB Number: 0575–0115.

Expiration Date of Approval: June 30, 2009.

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

Abstract: The primary purpose of the Housing Preservation Grant Program is to repair or rehabilitate individual housing, rental properties, or co-ops owned or occupied by very low- and low-income rural persons. Grantees will provide eligible homeowners, owners of rental properties and owners of co-ops with financial assistance through loans, grants, interest reduction payments or other comparable financial assistance for necessary repairs and rehabilitation of dwellings to bring them up to code or minimum property standards.

Where repair and rehabilitation assistance is not economically feasible or practical the replacement of existing, individual owner occupied housing is available.

These grants were established by Public Law 98–181, the Housing Urban-Rural Recovery Act of 1983, which amended the Housing Act of 1979 (Pub. L. 93–383) by adding section 533, 42 U.S.C. S 2490(m), Housing Preservation Grants (HPG). In addition, the Secretary of Agriculture has authority to prescribe rules and regulations to implement HPG and other programs under 42 U.S.C. S 1480(j).

Section 533(d) is prescriptive about the information applicants are to submit to RHS as part of their application and in the assessments and criteria RHS is to use in selecting grantees. An applicant is to submit a ''statement of activity'' describing its proposed program, including the specific activities it will undertake, and its schedule. RHS is required in turn to evaluate proposals on a set of prescribed criteria, for which the applicant will also have to provide information, such as: (1) Very low- and low-income persons proposed to be served by the repair and rehabilitation activities; (2) participation by other public and private organizations to leverage funds and lower the cost to the HPG program; (3) the area to be served in terms of population and need: (4) cost data to assure greatest degree of assistance at lowest cost; (5) administrative capacity of the applicant to carry out the program. The information collected will be the minimum required by law and by necessity for RHS to assure that it funds responsible grantees proposing feasible projects in areas of greatest need. Most data are taken from a localized area, although some are derived from census reports of city, county and Federal governments showing population and housing characteristics.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .81 hours per response.

Respondents: A public body or a public or private nonprofit corporation.

Estimated Number of Respondents: 2,258.

Estimated Number of Responses per Respondent: 6.8.

Estimated Total Annual Burden on Respondents: 12,517 hours.

Copies of this information collection can be obtained from Linda Watts-Thomas, Regulations and Paperwork Management Branch at (202 692–0226).

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of RHS, including whether the information will have practical utility; (b) the accuracy of RHS's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

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

Dated: February 4, 2009.

James C. Alsop,

Acting Administrator, Rural Housing Service.

[FR Doc. E9–5329 Filed 3–11–09; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

[Docket No. 090309298–9299–01]

American Recovery and Reinvestment Act of 2009 Broadband Initiatives

AGENCIES: National Telecommunications and Information Administration, U.S. Department of Commerce; Rural Utilities Service, U.S. Department of Agriculture.

ACTION: Joint request for information and notice of public meetings.

SUMMARY: Section 6001 of the American Recovery and Reinvestment Act of 2009 (Recovery Act) requires the National Telecommunications and Information Administration (NTIA) to establish the Broadband Technology Opportunities Program (BTOP). The Recovery Act further establishes authority for the Rural Utilities Service (RUS) to make grants and loans for the deployment and construction of broadband systems. NTIA and RUS will hold a series of public meetings about the new programs beginning on March 16, 2009. In addition to the information received about the new programs during the public meetings, written comments will be accepted through April 13, 2009. Through this notice, guidance is provided as to the matters to be discussed at these public meetings and

the categories of information with respect to which interested parties may submit comments.

DATES: There will be a series of public meetings in Washington, DC on March 16, 19, 23 and 24, 2009. Field hearings will be held in other locations on March 17 and 18, 2009. These times and the agenda topics are subject to change. Please refer to NTIA's Web site, *http://www.ntia.doc.gov/broadbandgrants* or the RUS Web site *http://www.rurdev.usda.gov/index.html*, for the most up-to-date meeting agenda. Additional meetings may be announced in the future. Comments will be received through April 13, 2009.

Time and Place: The meetings on March 16, 19, 23, and 24, 2009 will begin at 10 a.m. and will take place at the U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230. The meetings on March 17 and 18, 2009, will be field hearings. The location and time of the field hearings on March 17 and 18 will be announced on *http://www.ntia.doc.gov/broadbandgrants* and on *http://www.rurdev.usda.gov/index.html*. Webcast and/or transcripts of all of the public meetings will be made available on NTIA's Web site.

Times and locations are subject to change. Any changes will be announced on the NTIA Web site *http://www.ntia.doc.gov/broadbandgrants* or the RUS Web site *http://www.rurdev.usda.gov/index.html*.

FOR FURTHER INFORMATION: For further information regarding the meetings, contact Barbara Brown at (202) 482–4374 or *bbrown@ntia.doc.gov*; Mary Campanola, USDA at (202) 720–8822 or *mary.campanola@usda.gov*.

SUPPLEMENTARY INFORMATION: Section 6001 of the American Recovery and Reinvestment Act of 2009 (Recovery Act) requires the National Telecommunications and Information Administration (NTIA), in consultation with the Federal Communications Commission (FCC), to establish the Broadband Technology Opportunities Program (BTOP). The purposes of the BTOP include accelerating broadband deployment in unserved and underserved areas and ensuring that strategic institutions that are likely to create jobs or provide significant public benefits have broadband connections. The Recovery Act also establishes authority for the RUS to make grants and loans for the deployment and construction of broadband systems. The purpose of the additional RUS broadband authority is to improve access to broadband areas without service or that lack sufficient access to high-speed broadband service to facilitate economic development. In order to facilitate the coordinated development of these programs, NTIA and RUS will host a series of public meetings related to the NTIA's and RUS' broadband Recovery Act activities beginning on March 16, 2009. These meetings are in addition to the Joint Meeting to be held on March 10, 2009 at the Department of Commerce.[1] FCC representatives will participate in the public meetings related to the FCC's mission. The public meetings will be organized around key program themes, including but not limited to the definitions to be adopted, the role of the states in the grants process, the relationship of BTOP to the RUS loan and grant program and other Recovery Act programs, the grant selection criteria, the role of for-profit providers as potential grant recipients, and other topics.

Matters To Be Considered: Information is being sought on the following topics. Aspects of some of these topics will be discussed at the public meetings. Interested parties are invited to attend the meetings and to submit comments for the record on these topics to assist NTIA in establishing and administering BTOP and RUS in implementing its expanded authority. Comments addressing specific agency questions may be used by either agency in formulating its respective programs. Comments will be received through April 13, 2009.

NTIA

1. *The Purposes of the Grant Program:* Section 6001 of the Recovery Act establishes five purposes for the BTOP grant program.[2]

a. Should a certain percentage of grant funds be apportioned to each category?

b. Should applicants be encouraged to address more than one purpose?

c. How should the BTOP leverage or respond to the other broadband-related portions of the Recovery Act, including the United States Department of Agriculture (USDA) grants and loans program as well as the portions of the Recovery Act that address smart grids, health information technology, education, and transportation infrastructure?

2. *The Role of the States:* The Recovery Act states that NTIA may consult the States (including the District of Columbia, territories, and possessions) with respect to various aspects of the BTOP.[3] The Recovery Act also requires that, to the extent practical, the BTOP award at least one grant to every State.[4]

a. How should the grant program consider State priorities in awarding grants?

b. What is the appropriate role for States in selecting projects for funding?

c. How should NTIA resolve differences among groups or constituencies within a State in establishing priorities for funding?

d. How should NTIA ensure that projects proposed by States are well-executed and produce worthwhile and measurable results?

3. *Eligible Grant Recipients:* The Recovery Act establishes entities that are eligible for a grant under the program.[5] The Recovery Act requires

[1] Joint Notice of Public Meeting, 38 FR 8914 (Feb. 27, 2009).

[2] Section 6001(b) states that the purposes of the program are to—

(1) Provide access to broadband service to consumers residing in unserved areas of the United States;

(2) provide improved access to broadband service to consumers residing in underserved areas of the United States;

(3) provide broadband education, awareness, training, access, equipment, and support to—

(A) Schools, libraries, medical and healthcare providers, community colleges, and other institutions of higher education, and other community support organizations and entities to facilitate greater use of broadband service by or through these organizations;

(B) organizations and agencies that provide outreach, access, equipment, and support services to facilitate greater use of broadband service by low-income, unemployed, aged, and otherwise vulnerable populations; and

(C) job-creating strategic facilities located within a State-designated economic zone, Economic Development District designated by the Department of Commerce, Renewal Community or Empowerment Zone designated by the Department of Housing and Urban Development, or Enterprise Community designated by the Department of Agriculture;

(4) improve access to, and use, of broadband service by public safety agencies; and

(5) stimulate the demand for broadband, economic growth, and job creation.

[3] Section 6001(c) states that the Assistant Secretary may consult a State, the District of Columbia, or territory or possession of the United States with respect to—

(1) The identification of areas described in subsection (b)(1) or (2) located in that State; and

(2) the allocation of grant funds within that State for projects in or affecting the State.

[4] Section 6001(h)(1).

[5] Section 6001(e) states that eligible applicants shall—

(1)(A) Be a State or political subdivision thereof, the District of Columbia, a territory or possession of the United States, an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(b)) or native Hawaiian organization;

(B) a nonprofit—

(i) foundation,

(ii) corporation,

(iii) institution, or

(iv) association; or

(C) any other entity, including a broadband service or infrastructure provider, that the Assistant

Continued

NTIA to determine by rule whether it is in the public interest that entities other than those listed in Section 6001(e)(1)(A) and (B) should be eligible for grant awards. What standard should NTIA apply to determine whether it is in the public interest that entities other than those described in Section 6001(e)(1)(A) and (B) should be eligible for grant awards?

4. *Establishing Selection Criteria for Grant Awards:* The Recovery Act establishes several considerations for awarding grants under the BTOP.[6] In addition to these considerations, NTIA may consider other priorities in selecting competitive grants.

a. What factors should NTIA consider in establishing selection criteria for grant awards? How can NTIA determine that a Federal funding need exists and that private investment is not displaced? How should the long-term feasibility of the investment be judged?

b. What should the weighting of these criteria be in determining consideration for grant and loan awards?

c. How should the BTOP prioritize proposals that serve underserved or unserved areas? Should the BTOP consider USDA broadband grant awards and loans in establishing these priorities?

d. Should priority be given to proposals that leverage other Recovery Act projects?

e. Should priority be given to proposals that address several purposes, serve several of the populations identified in the Recovery Act, or provide service to different types of areas?

f. What factors should be given priority in determining whether proposals will encourage sustainable adoption of broadband service?

g. Should the fact that different technologies can provide different service characteristics, such as speed and use of dedicated or shared links, be considered given the statute's direction that, to the extent practicable, the purposes of the statute should be promoted in a technologically neutral fashion?

h. What role, if any, should retail price play in the grant program?

5. *Grant Mechanics:* The Recovery Act requires all agencies to distribute funds efficiently and fund projects that would not receive investment otherwise.

a. What mechanisms for distributing stimulus funds should be used by NTIA and USDA in addition to traditional grant and loan programs?

b. How would these mechanisms address shortcomings, if any, in traditional grant or loan mechanisms in the context of the Recovery Act?

6. *Grants for Expanding Public Computer Center Capacity:* The Recovery Act directs that not less than $200,000,000 of the BTOP shall be awarded for grants that expand public computer center capacity, including at community colleges and public libraries.

a. What selection criteria should be applied to ensure the success of this aspect of the program?

b. What additional institutions other than community colleges and public libraries should be considered as eligible recipients under this program?

7. *Grants for Innovative Programs to Encourage Sustainable Adoption of Broadband Service:* The Recovery Act directs that not less than $250,000,000 of the BTOP shall be awarded for grants for innovative programs to encourage sustainable adoption of broadband services.

a. What selection criteria should be applied to ensure the success of this program?

b. What measures should be used to determine whether such innovative programs have succeeded in creating sustainable adoption of broadband services?

8. *Broadband Mapping:* The Recovery Act directs NTIA to establish a comprehensive nationwide inventory map of existing broadband service capability and availability in the United States that depicts the geographic extent to which broadband service capability is deployed and available from a commercial provider or public provider throughout each State.[7]

a. What uses should such a map be capable of serving?

b. What specific information should the broadband map contain, and should the map provide different types of information to different users (*e.g.*, consumers versus governmental entities)?

c. At what level of geographic or other granularity should the broadband map provide information on broadband service?

d. What other factors should NTIA take into consideration in fulfilling the requirements of the Broadband Data Improvement Act, Public Law 110–385 (2008)?

e. Are there State or other mapping programs that provide models for the statewide inventory grants?

f. Specifically what information should states collect as conditions of receiving statewide inventory grants?

g. What technical specifications should be required of State grantees to ensure that statewide inventory maps can be efficiently rolled up into a searchable national broadband database to be made available on NTIA's Web site no later than February 2011?

h. Should other conditions attach to statewide inventory grants?

i. What information, other than statewide inventory information, should populate the comprehensive nationwide map?

j. The Recovery Act and the Broadband Data Improvement Act (BDIA) imposes duties on both NTIA and FCC concerning the collection of broadband data. Given the statutory requirements of the Recovery Act and the BDIA, how should NTIA and FCC best work together to meet these requirements?

9. *Financial Contributions by Grant Applicants:* The Recovery Act requires that the Federal share of funding for any proposal may not exceed 80 percent of the total grant.[8] The Recovery Act also requires that applicants demonstrate that their proposals would not have been implemented during the grant period without Federal assistance.[9] The Recovery Act allows for an increase in the Federal share beyond 80 percent if the applicant petitions NTIA and demonstrates financial need.

a. What factors should an applicant show to establish the ''financial need'' necessary to receive more than 80 percent of a project's cost in grant funds?

b. What factors should the NTIA apply in deciding that a particular proposal should receive less than an 80 percent Federal share?

Secretary finds by rule to be in the public interest. In establishing such rule, the Assistant Secretary shall to the extent practicable promote the purposes of this section in a technologically neutral manner * * *.

[6] Section 6001(h) states that NTIA, in awarding grants, shall, to the extent practical—

(2) Consider whether an application to deploy infrastructure in an area—

a. Will, if approved, increase the affordability of, and subscribership to, service to the greatest population of users in the area;

b. will, if approved, provide the greatest broadband speed possible to the greatest population of users in the area;

c. will, if approved, enhance service for health care delivery, education, or children to the greatest population of users in the area; and

d. will, if approved, not result in unjust enrichment as a result of support for non-recurring costs through another Federal program for service in the area;

(3) consider whether the applicant is a socially and economically disadvantaged small business concern as defined under section 8(a) of the Small Business Act (15 U.S.C. 637).

[7] Section 6001(l).

[8] Section 6001(f).

[9] Section 6001(e)(3).

c. What showing should be necessary to demonstrate that the proposal would not have been implemented without Federal assistance?

10. *Timely Completion of Proposals:* The Recovery Act states that NTIA shall establish the BTOP as expeditiously as practicable, ensure that all awards are made before the end of fiscal year 2010, and seek assurances from grantees that projects supported by the programs will be substantially completed within two (2) years following an award.[10] The Recovery Act also requires that grant recipients report quarterly on the recipient's use of grant funds and the grant recipient's progress in fulfilling the objectives of the grant proposal.[11] The Recovery Act permits NTIA to de-obligate awards to grant recipients that demonstrate an insufficient level of performance, or wasteful or fraudulent spending (as defined by NTIA in advance), and award these funds to new or existing applicants.[12]

a. What is the most efficient, effective, and fair way to carry out the requirement that the BTOP be established expeditiously and that awards be made before the end of fiscal year 2010?

b. What elements should be included in the application to ensure the projects can be completed within two (2) years (*e.g.*, timelines, milestones, letters of agreement with partners)?

11. *Reporting and Deobligation:* The Recovery Act also requires that grant recipients report quarterly on the recipient's use of grant funds and progress in fulfilling the objectives of the grant proposal.[13] The Recovery Act permits NTIA to de-obligate funds for grant awards that demonstrate an insufficient level of performance, or wasteful or fraudulent spending (as defined by NTIA in advance), and award these funds to new or existing applicants.[14]

a. How should NTIA define wasteful or fraudulent spending for purposes of the grant program?

b. How should NTIA determine that performance is at an ''insufficient level?''

c. If such spending is detected, what actions should NTIA take to ensure effective use of investments made and remaining funding?

12. *Coordination with USDA's Broadband Grant Program:* The Recovery Act directs USDA's Rural Development Office to distribute $2.5 billion dollars in loans, loan guarantees, and grants for broadband deployment. The stated focus of the USDA's program is economic development in rural areas. NTIA has broad authority in its grant program to award grants throughout the United States. Although the two programs have different statutory structures, the programs have many similar purposes, namely the promotion of economic development based on deployment of broadband service and technologies.

a. What specific programmatic elements should both agencies adopt to ensure that grant funds are utilized in the most effective and efficient manner?

b. In cases where proposals encompass both rural and non-rural areas, what programmatic elements should the agencies establish to ensure that worthy projects are funded by one or both programs in the most cost effective manner without unjustly enriching the applicant(s)?

13. *Definitions:* The Conference Report on the Recovery Act states that NTIA should consult with the FCC on defining the terms ''unserved area,'' ''underserved area,'' and ''broadband.'' [15] The Recovery Act also requires that NTIA shall, in coordination with the FCC, publish nondiscrimination and network interconnection obligations that shall be contractual conditions of grant awards, including, at a minimum, adherence to the principles contained in the FCC's broadband policy statement (FCC 05–15, adopted August 5, 2005).[16]

a. For purposes of the BTOP, how should NTIA, in consultation with the FCC, define the terms ''unserved area'' and ''underserved area?''

b. How should the BTOP define ''broadband service?''

(1) Should the BTOP establish threshold transmission speeds for purposes of analyzing whether an area is ''unserved'' or ''underserved'' and prioritizing grant awards? Should thresholds be rigid or flexible?

(2) Should the BTOP establish different threshold speeds for different technology platforms?

(3) What should any such threshold speed(s) be, and how should they be measured and evaluated (*e.g.*, advertised speed, average speed, typical speed, maximum speed)?

(4) Should the threshold speeds be symmetrical or asymmetrical?

(5) How should the BTOP consider the impacts of the use of shared facilities by service providers and of network congestion?

c. How should the BTOP define the nondiscrimination and network interconnection obligations that will be contractual conditions of grants awarded under Section 6001?

(1) In defining nondiscrimination obligations, what elements of network management techniques to be used by grantees, if any, should be described and permitted as a condition of any grant?

(2) Should the network interconnection obligation be based on existing statutory schemes? If not, what should the interconnection obligation be?

(3) Should there be different nondiscrimination and network interconnection standards for different technology platforms?

(4) Should failure to abide by whatever obligations are established result in de-obligation of fund awards?

(5) In the case of infrastructure paid for in whole or part by grant funds, should the obligations extend beyond the life of the grant and attach for the useable life of the infrastructure?

d. Are there other terms in this section of the Recovery Act, such as ''community anchor institutions,'' that NTIA should define to ensure the success of the grant program? If so, what are those terms and how should those terms be defined, given the stated purposes of the Recovery Act?

e. What role, if any, should retail price play in these definitions?

14. *Measuring the Success of the BTOP:* The Recovery Act permits NTIA to establish additional reporting and information requirements for any recipient of grant program funds.

a. What measurements can be used to determine whether an individual proposal has successfully complied with the statutory obligations and project timelines?

b. Should applicants be required to report on a set of common data elements so that the relative success of individual proposals may be measured? If so, what should those elements be?

15. Please provide comment on any other issues that NTIA should consider in creating BTOP within the confines of the statutory structure established by the Recovery Act.

RUS

The provisions regarding the RUS Recovery Act broadband grant and loan activities are found in Division A, title I under the heading Rural Utilities Service, Distance Learning, Telemedicine and Broadband Program of the Recovery Act.[17]

[10] Section 6001(d).

[11] Section 6001(i)(1).

[12] Section 6001(i)(4).

[13] Section 6001(i)(1).

[14] Section 6001(i)(4).

[15] H.R. Rep. No. 111–16, at 776 (2009) (Conf. Rep.).

[16] Section 6001(j).

[17] The text of this authority is as follows:

Continued

1. What are the most effective ways RUS could offer broadband funds to ensure that rural residents that lack access to broadband will receive it?

For a number of years, RUS has struggled to find an effective way to use the Agency's current broadband loan program to provide broadband access to rural residents that lack such access. RUS believes that the authority to provide grants as well as loans will give it the tools necessary to achieve that goal. RUS is looking for suggestions as to the best ways to:

a. Bundle loan and grant funding options to ensure such access is provided in the projects funded under the Recovery Act to areas that could not traditionally afford the investment;

b. Promote leveraging of Recovery Act funding with private investment that ensures project viability and future sustainability; and

c. Ensure that Recovery Funding is targeted to unserved areas that stand to benefit the most from this funding opportunity.

2. In what ways can RUS and NTIA best align their Recovery Act broadband activities to make the most efficient and effective use of the Recovery Act broadband funds?

In the Recovery Act, Congress provided funding and authorities to both RUS and the NTIA to expand the development of broadband throughout the country. Taking into account the authorities and limitations provided in the Recovery Act, RUS is looking for suggestions as to how both agencies can conduct their Recovery Act broadband activities so as to foster effective broadband development. For instance:

(a) RUS is charged with ensuring that 75 percent of the area is rural and without sufficient access needed for economic development. How should this definition be reconciled with the NTIA definitions of ''unserved'' and ''underserved?''

(b) How should the agencies structure their eligibility requirements and other programmatic elements to ensure that applicants that desire to seek funding from both agencies (i) do not receive duplicate resources and (ii) are not hampered in their ability to apply for funds from both agencies?

3. How should RUS evaluate whether a particular level of broadband access and service is needed to facilitate economic development?

Seventy-five percent of an area to be funded under the Recovery Act must be in an area that USDA determines lacks sufficient ''high speed broadband service to facilitate rural economic development.'' RUS is seeking suggestions as to the factors it should use to make such determinations.

(a) How should RUS define ''rural economic development?'' What factors should be considered, in terms of job growth, sustainability, and other economic and socio-economic benefits?

(b) What speeds are needed to facilitate ''economic development?'' What does ''high speed broadband service'' mean?

(c) What factors should be considered, when creating economic development incentives, in constructing facilities in areas outside the seventy-five percent area that is rural (*i.e.*, within an area that is less than 25 percent rural)?

4. In further evaluating projects, RUS must consider the priorities listed below. What value should be assigned to those factors in selecting applications? What additional priorities should be considered by RUS?

Priorities have been assigned to projects that will: (1) Give end-users a choice of Internet service providers, (2) serve the highest proportion of rural residents that lack access to broadband service, (3) be projects of current and former RUS borrowers, and (4) be fully funded and ready to start once they receive funding under the Recovery Act.

5. What benchmarks should RUS use to determine the success of its Recovery Act broadband activities?

The Recovery Act gives RUS new tools to expand the availability of broadband in rural America. RUS is seeking suggestions regarding how it can measure the effectiveness of its funding programs under the Recovery Act. Factors to consider include, but are not limited to:

a. Businesses and residences with ''first-time'' access.

b. Critical facilities provided new and/or improved service:

i. Educational institutions.

ii. Healthcare providers.

iii. Public service/safety.

c. Businesses created or saved.

d. Job retention and/or creation.

e. Decline in unemployment rates.

f. State, local, community support.

Status: Interested parties are invited to attend the public meetings and to submit written comments. Written comments that exceed five pages should include a one-page executive summary. Submissions containing ten (10) or more pages of text must include a table of contents and an executive summary. NTIA will coordinate the reception of written comments for both RUS and NTIA programs. Interested parties are permitted to file comments electronically via e-mail to *BTOP@ntia.doc.gov*. Parties are strongly encouraged to make electronic submissions of documents containing ten (10) or more pages. Comments provided via e-mail may be submitted in one or more of the formats specified below. Comments may be filed with NTIA through April 13, 2009.

Paper comments should be sent to: Broadband Technology Opportunities Program, U.S. Department of Commerce, Room 4812, 1401 Constitution Avenue, NW., Washington, DC 20230. Please note that all material sent via the U. S. Postal Service (including ''Overnight'' or ''Express Mail'') is subject to delivery delays of up to two weeks due to mail security procedures. All written comments received will be posted on the NTIA Web site at *http://www.ntia.doc.gov/broadbandgrants*.

Paper submissions should also include a CD or DVD in HTML, ASCII, Word or WordPerfect format (please specify version). CDs or DVDs should be labeled with the name and organizational affiliation of the filer, and

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DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM For an additional amount for the cost of broadband loans and loan guarantees, as authorized by the Rural Electrification Act of 1936 (7 U.S.C. 901 *et seq.*) and for grants (including for technical assistance), $2,500,000,000: Provided, That the cost of direct and guaranteed loans shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That, notwithstanding title VI of the Rural Electrification Act of 1936, this amount is available for grants, loans and loan guarantees for broadband infrastructure in any area of the United States: Provided further, That at least 75 percent of the area to be served by a project receiving funds from such grants, loans or loan guarantees shall be in a rural area without sufficient access to high speed broadband service to facilitate rural economic development, as determined by the Secretary of Agriculture: Provided further, That priority for awarding such funds shall be given to project applications for broadband systems that will deliver end users a choice of more than one service provider: Provided further, That priority for awarding funds made available under this paragraph shall be given to projects that provide service to the highest proportion of rural residents that do not have access to broadband service: Provided further, That priority shall be given for project applications from borrowers or former borrowers under title II of the Rural Electrification Act of 1936 and for project applications that include such borrowers or former borrowers: Provided further, That priority for awarding such funds shall be given to project applications that demonstrate that, if the application is approved, all project elements will be fully funded: Provided further, That priority for awarding such funds shall be given to project applications for activities that can be completed if the requested funds are provided: Provided further, That priority for awarding such funds shall be given to activities that can commence promptly following approval: Provided further, That no area of a project funded with amounts made available under this paragraph may receive funding to provide broadband service under the Broadband Technology Opportunities Program: Provided further, That the Secretary shall submit a report on planned spending and actual obligations describing the use of these funds not later than 90 days after the date of enactment of this Act, and quarterly thereafter until all funds are obligated, to the Committees on Appropriations of the House of Representatives and the Senate.

the name of the word processing program used to create the document.

Because of space limitation, attendance at the meeting will be determined on a first-come, first-served basis. The meeting will be physically accessible to people with disabilities. Individuals requiring special services, such as sign language interpretation or other ancillary aids, are asked to indicate this to Barbara Brown, *bbrown@ntia.doc.gov* at least two (2) days prior to the meeting. Members of the public will have an opportunity to provide comment at the meetings, time permitting.

Dated: Monday, March 9, 2009.

Bernadette McGuire-Rivera,

Associate Administrator, Office of Telecommunications and Information Applications.

David P. Grahn,

Associate General Counsel, Rural Development.

[FR Doc. E9–5411 Filed 3–9–09; 4:15 pm]

BILLING CODE 3510–60–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Associated Electric Cooperative Incorporated: Notice of Availability of an Environmental Assessment

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of availability of an Environmental Assessment for public review.

SUMMARY: The Rural Utilities Service, an Agency delivering the U.S. Department of Agriculture's Rural Development Utilities Programs, hereinafter referred to as Rural Development and/or Agency, has prepared an Environmental Assessment (EA) to meet its responsibilities under the National Environmental Policy Act (NEPA) and 7 CFR 1794 related to possible financial assistance to Associated Electric Cooperative Incorporated (AECI) for the construction of a new 540-megawatt (MW) gas-fired combustion combined-cycle generation unit at the existing Chouteau Power Plant in Mayes County, Oklahoma. The proposed new unit is needed to provide additional electric generating capacity that would allow AECI to meet its projected electrical peaking demand in 2011–2016. AECI is also proposing to construct a new substation approximately two miles east of the existing plant, a 161-kilovolt (kV) transmission line from the existing plant to the new substation, and a single circuit 345-kV line from the new substation to the nearby Grand River Dam Authority (GRDA) Coal-Fired Power Plant I, Mayes County, Oklahoma. The proposed new transmission facilities are needed to provide an outlet for the additional electric power that would be generated at the Chouteau Power Plant as a result of the installation of the proposed new combustion turbine (CT). AECI is requesting financial assistance from the Agency for the proposed action.

DATES: Written comments on this Notice must be received on or before April 13, 2009.

FOR FURTHER INFORMATION CONTACT: To obtain copies of the EA or for further information, contact: Stephanie Strength, Environmental Protection Specialist, USDA, Rural Development, Utilities Programs, 1400 Independence Avenue, SW., Room 2244, Stop 1571, Washington, DC 20250–1571, or e-mail *stephanie.strength@wdc.usda.gov.*

A copy of the EA may be viewed online at the Agency's Web site: *http://www.usda.gov/rus/water/ees/ea.htm* and at AECI's headquarters office located at 211 South Golden, Springfield, Missouri 65801–4775 and at the: Pryor Public Library, 505 E Graham, Pryor, OK 74361, (918) 825–0777. Comments may be submitted to Ms. Strength at the address provided in this Notice.

SUPPLEMENTARY INFORMATION: Associated Electric Cooperative, Inc. proposes to construct a new 540-MW gas-fired combustion combined-cycle generation unit at the existing Chouteau Power Plant in Mayes County, Oklahoma with an in-service date of early 2011. The existing plant includes a 522 MW combined cycle generation unit. The proposed 540 MW generating plant will be connected to a new 161/345-kV substation that will serve both the existing and proposed generating facilities. This substation will be located approximately two miles east of the Chouteau Power Plant on 16.7 acres. A single circuit 161-kV transmission line would be constructed from the existing Chouteau Power Plant to the new 345/161-kV substation and a single circuit 345-kV line will be constructed from the new substation to the existing Grand River Dam Authority (GRDA) Coal-Fired Power Plant.

The proposed CTs would employ an industrial frame advanced technology CT equipped with dry low-nitrogen oxide combustors. The CT would operate on natural gas as a fuel source. The construction of the proposal is tentatively scheduled to begin in 2009 and the estimated duration of construction would be 2 years.

A Notice of Intent to Prepare an EA and Hold a Scoping Meeting was published in the **Federal Register** at 73FR51439, on September 3, 2008, *The Paper* on September 8, 2008, and *The Daily Times* on September 7, 2008. A public meeting was held on September 16, 2008, at the Mid America Expo Center, Mid America Industrial Park in Pryor, Oklahoma 74361. A summary of public comments can be found at the Agency Web site listed in this Notice.

As part of its broad environmental review process, the Agency must take into account the effect of the proposal on historic properties in accordance with section 106 of the National Historic Preservation Act and its implementing regulation, ''Protection of Historic Properties'' (36 CFR part 800). Pursuant to 36 CFR 800.2(d)(3), the Agency is using its procedures for public involvement under NEPA to meet its responsibilities to solicit and consider the views of the public during section 106 review. Accordingly, comments submitted in response to scoping will inform Agency decisionmaking in section 106 review. Any party wishing to participate more directly with the Agency as a ''consulting party'' in section 106 review may submit a written request to do so to the Agency contact provided in this notice.

Alternatives considered by Rural Development and AECI included for the CTs were (a) no action, (b) alternate sources of power, (c) load management, (d) renewable energy sources, (e) non-renewable energy sources, and (f) alternate sites. The alternatives considered for the transmission facilities were (a) no action and (b) alternate routes. An environmental report that describes the proposal in detail and discusses its anticipated environmental impacts has been prepared by AECI. Rural Development has reviewed and accepted the document as its EA of the proposal. The EA is available for public review at the addresses provided in this Notice.

Questions and comments should be sent to Rural Development at the mailing or e-mail addresses provided in this Notice. Rural Development should receive comments on the EA in writing by April 13, 2009 to ensure that they are considered in its environmental impact determination.

Should Rural Development determine, based on the EA of the proposal, that the impacts of the construction and operation of the proposal would not have a significant environmental impact, it will prepare a Finding of No Significant Impact. Public notification of a Finding of No Significant Impact would be published

in the **Federal Register** and in newspapers with circulation in the proposal area.

Any final action by Rural Development related to the proposal will be subject to, and contingent upon, compliance with all relevant Federal, state and local environmental laws and regulations, and completion of the environmental review requirements as prescribed in Rural Development's Environmental Policies and Procedures (7 CFR part 1794).

Dated: March 6, 2009.

Mark S. Plank,

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

[FR Doc. E9–5375 Filed 3–11–09; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

(A–274–804)

Carbon and Certain Alloy Steel Wire Rod from Trinidad and Tobago; Final Results of Antidumping Duty Administrative Review

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

SUMMARY: On November 5, 2008, the Department of Commerce (the Department) published the preliminary results of the fifth administrative review for the antidumping duty order on carbon and certain alloy steel wire rod (wire rod) from Trinidad and Tobago. *See Carbon and Certain Alloy Steel Wire Rod from Trinidad and Tobago: Preliminary Results of Antidumping Duty Administrative Review*, 73 FR 65833 (November 5, 2008) (*Preliminary Results*). This review covers imports of wire rod from ArcelorMittal Point Lisas Limited,[1] and its affiliate Mittal Steel North America Inc. (MSNA) (collectively, AMPL). The period of review (POR) is October 1, 2006, through September 30, 2007.

Based on our analysis of comments received, these final results do not differ from the preliminary results. The final results are listed below in the *Final Results of Review* section.

EFFECTIVE DATE: March 12, 2009.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore or Jolanta Lawska, 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) 482–3692 and (202) 482–8362, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 29, 2002, the Department published in the **Federal Register** the antidumping duty order on wire rod from Trinidad and Tobago. *See Notice of Antidumping Duty Orders: Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine*, 67 FR 65945 (*Wire Rod Orders*). On July 6, 2005, the Department determined that Mittal Steel Point Lisas Limited (MSPL) is the successor–in-interest to Carribean Ispat Limited (CIL). *See Notice of Final Results of Antidumping Duty Changed Circumstances Review: Carbon and Certain Alloy Wire Rod from Trinidad and Tobago*, 70 FR 38871 (July 6, 2005). On May 23, 2008, the Department determined that AMPL is the successor–in-interest to MSPL. *See Carbon and Certain Alloy Steel wire Rod from Trinidad and Tobago: Notice of Final results of Antidumping Duty Changed Circumstances Review*, 73 FR 30052 (May 23, 2008). On November 5, 2008, the Department published in the **Federal Register** its *Preliminary Results* of the administrative review of this order for the period October 1, 2006, through September 30, 2007. *See Preliminary Results*, 73 FR at 65833. This is the fifth administrative review of this order.

Comments From Interested Parties

We invited interested parties to comment on the *Preliminary Results*. On December 5, 2008, AMPL filed a case brief, and on December 10, 2008, petitioners submitted a rebuttal brief. Petitioners are Gerdau Ameristeel US Inc. (formerly Co–Steel Raritan, Inc.), Keystone Consolidated Industries, Inc., North Star Steel Texas, Inc., Nucor Steel Connecticut, Inc., and Rocky Mountain Steel Mills. No party requested a hearing.

Scope of the Antidumping Duty Order

The merchandise subject to this order is certain hot–rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, 5.00 mm or more, but less than 19.00 mm, in solid cross-sectional diameter. Specifically excluded are steel products possessing the above–noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high nickel steel; (d) ball bearing steel; and (e) concrete reinforcing bars and rods. Also excluded are (f) free machining steel products (i.e., products that contain by weight one or more of the following elements: 0.03 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorus, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium).

Also excluded from the scope are 1080 grade tire cord quality wire rod and 1080 grade tire bead quality wire rod. Grade 1080 tire cord quality rod is defined as: (i) grade 1080 tire cord quality wire rod measuring 5.0 mm or more but not more than 6.0 mm in cross-sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) having no non–deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04–114; (v) having a surface quality with no surface defects of a length greater than 0.15 mm; (vi) capable of being drawn to a diameter of 0.30 mm or less with 3 or fewer breaks per ton, and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of aluminum, (3) 0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4) 0.006 percent or less of nitrogen, and (5) not more than 0.15 percent, in the aggregate, of copper, nickel and chromium.

Grade 1080 tire bead quality rod is defined as: (i) grade 1080 tire bead quality wire rod measuring 5.5 mm or more but not more than 7.0 mm in cross-sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) having no non–deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04–114; (v) having a surface quality with no surface defects of a length greater than 0.2 mm; (vi) capable of being drawn to a diameter of 0.78 mm or larger with 0.5 or fewer breaks per ton; and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of soluble aluminum, (3) 0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4)

[1] ArcelorMittal Point Lisas Limited is the successor–in–interest to Mittal Steel Point Lisas Limited. See Carbon and Certain Alloy Steel Wire Rod from Trinidad and Tobago: Notice of Final Results of Antidumping Duty Changed Circumstances Review, 73 FR 30052 (May 23, 2008).

0.008 percent or less of nitrogen, and (5) either not more than 0.15 percent, in the aggregate, of copper, nickel and chromium (if chromium is not specified), or not more than 0.10 percent in the aggregate of copper and nickel and a chromium content of 0.24 to 0.30 percent (if chromium is specified).

For purposes of grade 1080 tire cord quality wire rod and grade 1080 tire bead quality wire rod, an inclusion will be considered to be deformable if its ratio of length (measured along the axis - that is, the direction of rolling – of the rod) over thickness (measured on the same inclusion in a direction perpendicular to the axis of the rod) is equal to or greater than three. The size of an inclusion for purposes of the 20 microns and 35 microns limitations is the measurement of the largest dimension observed on a longitudinal section measured in a direction perpendicular to the axis of the rod. This measurement methodology applies only to inclusions on certain grade 1080 tire cord quality wire rod and certain grade 1080 tire bead quality wire rod that are entered, or withdrawn from warehouse, for consumption on or after July 24, 2003.

The designation of the products as ''tire cord quality'' or ''tire bead quality'' indicates the acceptability of the product for use in the production of tire cord, tire bead, or wire for use in other rubber reinforcement applications such as hose wire. These quality designations are presumed to indicate that these products are being used in tire cord, tire bead, and other rubber reinforcement applications, and such merchandise intended for the tire cord, tire bead, or other rubber reinforcement applications is not included in the scope. However, should petitioners or other interested parties provide a reasonable basis to believe or suspect that there exists a pattern of importation of such products for other than those applications, end–use certification for the importation of such products may be required. Under such circumstances, only the importers of record would normally be required to certify the end use of the imported merchandise.

All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under review are currently classifiable under subheadings 7213.91.3010, 7213.91.3015, 7213.91.3090, 7213.91.3092, 7213.91.4510, 7213.91.4590, 7213.91.6010, 7213.91.6090, 7213.99.0031, 7213.99.0038, 7213.99.0090, 7227.20.0010, 7227.20.0020, 7227.20.0090, 7227.20.0095, 7227.90.6010, 7227.90.6051, 7227.90.6053, 7227.90.6058,7227.90.6059, and 7227.90.6080 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.[2]

Analysis of Comments

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the accompanying Issues and Decision Memorandum for the Antidumping Duty Order on Carbon and Certain Alloy Steel Wire Rod from Trinidad and Tobago (Decision Memorandum), which is hereby adopted by this notice. A list of the issues which parties have raised, and to which we have responded in the Issues and Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of the issues in this review and the corresponding recommendations in this public memorandum, which is on file in the Department's Central Records Unit (CRU), Room 1117 of the main commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the World Wide Web at http://ia.ita.doc.gov/frn. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Review

As a result of our review, we determine that the following weighted–average margin exists for the period October 1, 2006, through September 30, 2007.

Manufacturer/Exporter	Weighted–Average Margin
AMPL	1.56 percent

Assessment Rates

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries, pursuant to section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.212(b). The Department calculated importer–specific duty assessment rates on the basis of the ratio of the total antidumping duties calculated for the examined sales to the total entered value of the examined sales for that importer. Where the assessment rate is above *de minimis*, we will instruct CBP to assess duties on all entries of subject merchandise by that importer. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*). This clarification will apply to entries of subject merchandise during the POR produced by AMPL for which AMPL did not know that the merchandise it sold to the intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all–others rate if there is no rate for the intermediary involved in the transaction. *See Assessment Policy Notice* for a full discussion of this clarification.

Cash Deposit Requirements

The following antidumping duty deposit rates will be effective upon publication of this notice of final results of the administrative review for all shipments of wire rod from Trinidad and Tobago entered, or withdrawn from warehouse, for consumption on or after the date of the publication of these final results, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for AMPL is 1.56 percent; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company–specific rate published for the most recent final results in which that manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less–than–fair–value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent final results for the manufacturer of the merchandise; and, (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 11.40 percent, the all–others rate established in the LTFV investigation. *See Notice of Antidumping Duty Orders: Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine*, 67 FR 65945 (October 29, 2002). These cash deposit requirements, when imposed, shall remain in effect until further notice.

[2] Effective July 1, 2008, U.S. Customs and Border Protection (CBP) reclassified certain HTSUS numbers related to the subject merchandise. *See* http: //hotdocs.usitc.gov/ tariff—chapters—current/ toc.html.

Notification to Importers

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

Notification Regarding APOs

This notice also serves as a 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)(5). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these final results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 5, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

APPENDIX I

List of Comments in the Issues and Decision Memorandum
Comment 1 Whether the Department Should Exclude the Single Sale of Scrap Merchandise
Comment 2: Whether the Department Should Modify its Liquidation Instructions to U.S. Customs and Border Protection

[FR Doc. E9–5369 Filed 3–11–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

(A–357–812)

Honey from Argentina: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review

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

EFFECTIVE DATE: March 12, 2009.

FOR FURTHER INFORMATION CONTACT: Deborah Scott or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–2657 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION: On December 30, 2008, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on honey from Argentina for the period December 1, 2006 through November 30, 2007. *See Honey from Argentina: Preliminary Results of Antidumping Duty Administrative Review and Intent to Revoke Order in Part*, 73 FR 79802 (December 30, 2008). The current deadline for the final results of this review is April 29, 2009.

Extension of Time Limits for Final Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue the final results of an administrative review within 120 days after the date on which the preliminary results were published. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the final results up to 180 days from the date of publication of the preliminary results.

The Department finds that it is not practicable to complete this review within the original time frame due to additional analysis that must be performed with respect to respondent Patagonik S.A.'s cost of production and sales of subject merchandise. Consequently, and in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), the Department is fully extending the time limit for completion of the final results of this administrative review by 60 days, to June 28, 2009. As this date falls on a Sunday, the final results are due June 29, 2009. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

This notice is published in accordance with section 751(a)(3)(A) of the Act.

Dated: March 4, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–5236 Filed 3–11–09; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XN86

Notice of Decision to Expand Scope of the Environmental Impact Statement Analyzing Mitchell Act Funding and Operation of Columbia River Hatcheries

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

ACTION: Notice; request for comments.

SUMMARY: The National Marine Fisheries Service (NMFS) announces its decision to expand the scope of the Mitchell Act Hatchery Environmental Impact Statement (EIS) to include analysis of the environmental effects of hatchery programs in a way that will inform future NMFS decisions about Endangered Species Act compliance for all Columbia River hatchery programs. Our previous notice of intent to prepare an EIS on the funding and operation of Columbia River hatcheries under the Mitchell Act was published on September 3, 2004. We are opening a 30–day comment period on our decision to expand the scope.

DATES: Written or electronic comments from all interested parties are encouraged and must be received no later than 5 p.m. Pacific Standard Time April 13, 2009.

ADDRESSES: All comments concerning the preparation of the EIS and NEPA process should be addressed to: Patty Dornbusch, NMFS, 1201 N.E. Lloyd Blvd., Suite 1100, Portland, OR 97232. Comments may also be submitted via fax (503) 872–2737 Attn: Mitchell Act Hatchery EIS, or by electronic mail to *MitchellActEIS.nwr@noaa.gov* with a subject line containing the document identifier: ''Mitchell Act Hatchery EIS.''

FOR FURTHER INFORMATION CONTACT: Contact Patty Dornbusch, NMFS Northwest Region, (503) 230–5430.

SUPPLEMENTARY INFORMATION:

Background

On September 3, 2004 (69 FR 53892), NMFS announced its intent to prepare

an EIS pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) and to conduct public scoping related to the allocation and distribution of Mitchell Act funds for Columbia River hatchery operations. A 90–day public comment period to seek input on the scope of the required NEPA analysis, including the range of reasonable alternatives and the associated impacts on resources, was open from September 3, 2004, to December 2, 2004.

During the original scoping process, it became clear that the interrelationship between hatchery production funded under the Mitchell Act and other hatchery production in the Columbia River basin would need to be considered. Not all hatchery programs in the Columbia River basin are funded under the Mitchell Act; however, decisions about salmon and steelhead produced with Mitchell Act funds (e.g., the populations chosen for artificial production, the size of those production programs, location) are coordinated and interrelated with decisions about the remainder of natural and artificial production in the Columbia River basin (i.e., non-Mitchell Act-funded production). Because of this interrelationship, NMFS determined that the EIS must assess artificial production throughout the entire basin, regardless of the hatchery funding source, in order to properly assess all environmental effects that occur in the basin related to hatchery production. Consequently, NMFS anticipates using information generated by this EIS to inform its determinations under Endangered Species Act (ESA) sections 4(d), 7, 10(a)(1)(A), and 10(a)(1)(B) for both Mitchell Act and non-Mitchell Act hatchery programs. This EIS will not result in decisions on ESA compliance. Should hatchery managers propose to operate non-Mitchell Act-funded facilities in a manner that is within the scope of the environmental review in this EIS, NMFS' future ESA determinations on those production programs may be informed by the analysis within this EIS. While the expanded scope will analyze non-Mitchell Act-funded programs to inform ESA decisions, the Record of Decision for this EIS will not address decisions on ESA compliance. Further, NMFS believes that conducting a broad review of the environmental effects from all Columbia River basin hatchery programs will provide a comprehensive approach to analyzing cumulative effects within the basin as a result of Mitchell Act funding.

Request for Comments

NMFS solicits written comments from the public. We request that the comments be as specific as possible with regard to our expansion of the scope of the EIS to include informing NMFS' future ESA determinations on non-Mitchell Act programs. All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public. The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended, Council on Environmental Quality Regulations (40 CFR 1500–1508), other applicable Federal laws and regulations, and applicable policies and procedures. This notice is being furnished in accordance with 40 CFR 1501.7 of NEPA to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives to be addressed in the EIS.

Dated: March 6, 2009.

Emily H. Menashes,

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

[FR Doc. E9–5383 Filed 3–11–09; 8:45 am]

BILLING CODE 3510–22–S

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Emergency Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation''), has submitted an emergency public information collection request (ICR) entitled AmeriCorps State and National Application and Reporting Instructions for Recovery Act Funding, to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. Chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Corporation for National and Community Service, AmeriCorps, Amy Borgstrom, Associate Director of Policy, (202) 606–6930, or by e-mail at *ABorgstrom@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call (202) 565–2799 between 8:30 a.m. and 5 p.m. Eastern Time, Monday through Friday.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to (1) Corporation for National and Community Service, AND (2) the Office of Information and Regulatory Affairs. Please send comments to:

(1) Corporation for National and Community Service, Attn: Amy Borgstrom, Associate Director of Policy for AmeriCorps, by any of the following two methods within 30 days from the date of publication in this **Federal Register**:

(a) *By fax to:* (202) 606–3476, Attention: Amy Borgstrom, Associate Director of Policy for AmeriCorps; and

(b) Electronically by e-mail to: *ABorgstrom@cns.gov.* AND,

(2) Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in this **Federal Register**:

(1) By fax to: (202) 395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; and

(2) Electronically by e-mail to: *smar@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

Comments

Description: The purpose of this guidance is to assist current AmeriCorps State and National grantees in accessing American Recovery and Reinvestment Act funds to engage AmeriCorps

members and community volunteers in efforts to stimulate the economy through the expansion of current programming or the addition of a new program component, and to report on their activities.

Additional information can be found in OMB's *Initial Implementing Guidance for the American Recovery and Reinvestment Act of 2009* dated February 18, 2009, and on the *CNCS Recovery Web page (http://www.nationalservice.gov/recovery).*

Type of Review: Information collection.

Agency: Corporation for National and Community Service.

Title: AmeriCorps State and National Recovery Act Funding Application and Reporting Instructions.

OMB Number: New.

Agency Number: None.

Affected Public: Nonprofit organizations, State, Local and Tribal.

Total Respondents: 154 applicants and 250 reports. State commissions will submit subgrantee applications; each subgrantee will report separately.

Frequency: Once for application and quarterly for reports.

Average Time per Response: 8 hours for application and 8 hours for reports.

Estimated Total Burden Hours: 1232 hours for application and 8000 for reports.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: March 10, 2009.

Lois Nembhard,

Acting Director, AmeriCorps State and National.

[FR Doc. E9–5530 Filed 3–11–09; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Meeting of the Ocean Research and Resources Advisory Panel

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Ocean Research and Resources Advisory Panel (ORRAP) will hold a regularly scheduled meeting, which will be open to the public.

DATES: The meeting will be held on Monday, April 6, 2009, from 9 a.m. to 5:30 p.m. and Tuesday, April 7, 2009, from 9 a.m. to 3 p.m. Members of the public should submit their comments one week in advance of the meeting to the meeting Point of Contact.

ADDRESSES: The meeting will be held in the offices of the Consortium of Ocean Leadership, 1201 New York Avenue NW., 4th Floor, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Charles L. Vincent, Office of Naval Research, 875 North Randolph Street Suite 1425, Arlington, VA 22203–1995, telephone: 703–696–4118.

SUPPLEMENTARY INFORMATION: This notice of open meeting is provided in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2). The meeting will include discussions on coastal hazards, fishery management initiatives, ocean science policy, ocean observations, ocean mapping, education, and other current issues in the ocean science and resource management communities.

Dated: March 6, 2009.

T. M. Cruz,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Officer.

[FR Doc. E9–5345 Filed 3–11–09; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Advanced Technology Vehicles Manufacturing Incentive Program

AGENCY: Office of the Chief Financial Officer, Department of Energy (DOE).

ACTION: Notice.

SUMMARY: Section 136 of the Energy Independence and Security Act of 2007, as amended, provides for grants and loans to eligible automobile manufacturers and component suppliers for projects that reequip, expand, and establish manufacturing facilities in the United States to produce light-duty vehicles and components for such vehicles, which provide meaningful improvements in fuel economy performance beyond certain specified levels. Section 136 also provides that grants and loans may cover engineering integration costs associated with such projects. The program established by section 136 is referred to as the Advanced Technology Vehicles Manufacturing Incentive Program.

This notice announces that DOE has determined to change the previously announced process for submission of applications for a loan under section 136. Henceforth, DOE will consider and evaluate substantially complete applications as and when they are submitted and may make decisions on such applications and close loans with respect to such applications at any time.

DATES: DOE will consider and evaluate substantially complete loan applications as and when they are submitted.

ADDRESSES: Applications for loans under section 136 may be submitted or hand delivered to Advanced Technology Vehicles Manufacturing Incentive Program, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Lachlan Seward, Advanced Technology Vehicles Manufacturing Incentive Program, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, 202–586–8146.

SUPPLEMENTARY INFORMATION: Section 136 of the Energy Independence and Security Act of 2007, enacted on December 19, 2007, Public Law 110–140, authorizes the Secretary of Energy to make grants and direct loans to eligible applicants for projects that reequip, expand, or establish manufacturing facilities in the United States to produce qualified advanced technology vehicles, or qualifying components and also for engineering integration costs associated with such projects. The program established by section 136 is referred to as the Advanced Technology Vehicles Manufacturing Incentive Program (ATVMIP).

DOE issued an interim final rule to established regulations necessary to implement the loan and grant programs authorized by section 136. Additionally, concurrent with the issuance of that interim final rule, the Department announced that it would consider and evaluate substantially complete applications for loans under the ATVMIP as and when they are submitted during a first tranche period, which closed on December 31, 2008. DOE stated that it may make decisions on such applications and close loans with respect to such applications at any time. After December 31, 2008, subsequent tranche periods were established to close on the last day of each calendar year quarter (*i.e.*, March 31, 2009; June 30, 2009, etc.) For applications submitted during those subsequent periods, no final decisions would be made with respect to such applications until after the close of the particular tranche period.

In order to expedite the processing of all applications for loans, DOE has determined to change the previously announced process and henceforth will consider and evaluate substantially complete applications for loans under the ATVMIP as and when they are submitted. Further, DOE may make decisions on such applications and

close loans with respect to such applications at any time. Accordingly, applications submitted after December 31, 2008, will be treated in the same manner as applications submitted prior to December 31, 2008.

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

Owen Barwell,

Deputy Chief Financial Officer.

[FR Doc. E9–5274 Filed 3–11–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9282–032]

Notice of Application for Transfer of License, and Soliciting Comments and Motions To Intervene

March 4, 2009.

In the matter of: Winslow H. MacDonald, Trustee, Heidi B. Robichaud, Successor Trustee, Milford Elm Street Trust, 37 Wilton Road, Milford LLC, and 282 Route 101, LLC.

On February 2, 2009, Winslow H. MacDonald, Trustee, Heidi B. Robichaud, Successor Trustee, and Milford Elm Street Trust (collectively, transferors) and 37 Wilton Road, Milford LLC and 282 Route 101 LLC (collectively, transferees) filed an application, for transfer of license of the Pine Valley Dam Project, located on the Souhegan River in Hillsborough County, New Hampshire.

Applicants seek Commission approval to transfer the license for the Pine Valley Dam from the transferors to the transferees.

Applicant Contact: Mr. Mark Prolman, Prolman Realty, 100 Elm Street, Nashua, NH 03060.

FERC Contact: Robert Bell, (202) 502–6062.

Deadline for filing comments and motions to intervene: 30 days from the issuance of this notice. Comments and motions to intervene may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii)(2008) 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–9282–032) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–5253 Filed 3–11–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM07–10–000]

Transparency Provisions of Section 23 of the Natural Gas Act; Notice of Availability and eFiling Guidelines for FERC Form No. 552

Issued March 4, 2009.

Take notice that pursuant to the requirements of Order No. 704,[1] issued December 26, 2007, and Order 704–A,[2] issued September 18, 2008, the Commission is issuing the form, instructions, and submission guidelines for FERC Form No. 552, Annual Report of Natural Gas Transactions. The Form No. 552 report for Calendar Year 2008 is due on or before May 1, 2009.

Persons required to submit Form No. 552 should download the form-fillable PDF form from the Commission's Web site at *http://www.ferc.gov/docs-filing/eforms.asp#552*. This link also contains a list of Frequently Asked Questions and contact information for questions regarding completion of the form. The PDF form contains edit checks to assist the filer in submitting complete information.

Once completed and saved, the PDF version of Form No. 552 PDF can be submitted via the Commission's electronic filing system at *http://www.ferc.gov/docs-filing/efiling.asp*. After logging into the eFiling system, filers must make the following selections from the eFiling Menu:[3]

Col. 1: Gas

Col. 2: Report/Form—No Docket Number

Col. 3: Form 552

Persons needing assistance or experiencing difficulty with eFiling should contact *FERCOnlineSupport@ferc.gov*, or call 1–866–208–3676 (toll free). Be mindful that FERC Online Support cannot address content issues. Please e-mail content related form issues to *form552@ferc.gov* or contact Michelle Reaux at phone number 202–502–6497.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–5254 Filed 3–11–09; 8:45 am]

BILLING CODE 6717–01–P

[1] *Transparency Provisions of Section 23 of the Natural Gas Act,* Order No. 704, FERC Stats. & Regs. ¶ 31,260 (2007) (Final Rule).

[2] *Transparency Provisions of Section 23 of the Natural Gas Act,* Order No. 704–A, FERC Stats. & Regs. ¶ 31,275 (2008).

[3] During the eFiling process there are additional edit checks. All edit check issues must be resolved before the filer can upload the Form No. 552 and complete the submission.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–733–000]

Grindstone Capital Management, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

March 4, 2009.

This is a supplemental notice in the above-referenced proceeding of Grindstone Capital Management, 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 24, 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. E9–5249 Filed 3–11–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–768–000]

Saracen Power Partners, L.P.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

March 4, 2009.

This is a supplemental notice in the above-referenced proceeding of Saracen Power Partners, L.P.'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 24, 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. E9–5250 Filed 3–11–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL09–38–000]

California Municipal Utilities Association; Cities of Anaheim, Azusa, Banning, Colton, Pasadena, and Riverside, CA; City and County of San Francisco; Northern California Power Agency; Sacramento Municipal Utility District; Modesto Irrigation District; Transmission Agency of Northern California, Complainants, v. California Independent System Operator Corporation, Respondent; Notice of Complaint

March 5, 2009.

Take notice that on March 4, 2009, the California Municipal Utilities Association, (CMUA) on behalf of itself and its members, the Cities of Anaheim, Azusa, Banning, Colton, Pasadena, and Riverside, California (the Six Cities); the City and County of San Francisco (CCSF); the Northern California Power Agency (NCPA); the Sacramento Municipal Utility District (SMUD); the Modesto Irrigation District (MID); and the Transmission Agency of Northern California (TANC), filed a formal complaint against the California Independent System Operator Corporation (CASIO), pursuant to sections 206, 306 and 309 of the Federal Power Act and Rule 206 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, alleging that the absence of Tariff provisions to protect Market Participants against charges incurred upon implementation of the Market Redesign and Technology Upgrade Tariff that are dramatically in excess of those levied during prior historic periods is unjust and unreasonable in violation of the Federal Power Act.

Complainants certify that copies of the complaint were served on the contacts for the CASIO as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

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. E9–5260 Filed 3–11–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09–22–000]

Atmos Pipeline and Storage, LLC; Notice of Availability of the Environmental Assessment for the Proposed Fort Necessity Gas Storage Project

March 4, 2009.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the natural gas pipeline facilities proposed by Atmos Pipeline and Storage, LLC (Atmos) in the above-referenced docket.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The 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 the proposed natural gas storage and pipeline facilities including:

Storage facilities:

- Three 8.25 billion cubic feet (Bcf) salt dome storage caverns (24.75 Bcf total) with a total working capacity of 15.0 Bcf of natural gas, each with a well and well pad for solution mining and subsequent gas injection/withdrawal;
- One leaching plant with associated pumps, tanks, and piping;
- Nine water supply wells;
- Nine brine disposal wells;
- Two collocated 0.9-mile-long, 30-inch-diameter gas pipelines from the compressor station to the three cavern wells;
- 0.4 mile of 2-inch-diameter diesel injection pipeline extending from the leaching plant to the three cavern wells;
- 0.4 mile of 2-inch-diameter instrument air pipeline extending from the leaching plant to the three cavern wells;
- 1.7 miles of varying diameter high density polyethylene (HDPE) water supply pipeline extending from the water supply wells to the leaching plant;
- 0.4 mile of 20-inch-diameter steel pipeline feeding high pressure water extending from the leaching plant to the three cavern wells;
- 0.4 mile of 22-inch-diameter HDPE pipeline to return brine from the three cavern wells to the leaching plant;
- 5.5 miles of varying diameter steel brine disposal pipeline extending from the leaching plant to the brine disposal;
- Related delivery piping, line heaters, pressure vessels, and valves along with other appurtenant facilities; and
- One electrical substation consisting of two 15/20 mega volt ampere transformers.

Interconnect pipeline facilities:

- One compressor station with nine 4,700 horsepower (hp)-rated natural gas driven reciprocating compressors, totaling 42,300 hp;
- One dehydration facility;
- Four meter stations;
- Two collocated 0.01-mile-long (70-foot-long), 36-inch-diameter interconnect gas pipelines with one metering station to tie in to Tennessee Gas Pipeline's (TGP) existing 30-inch-diameter pipeline;
- Two collocated 0.8-mile-long, 36-inch-diameter interconnect gas pipelines with one metering station to tie into Columbia Gulf Transmission's (CGT) existing 30- and 36-inch-diameter pipelines, continuing northwest from the proposed TGP metering station site;
- Two collocated 6.5-mile-long 30-inch-diameter interconnect gas pipelines with two metering stations collocated within the same fenced area to tie into ANR Pipeline Company's (ANR) existing 30- and 36-inch-diameter pipelines and to the existing 30-inch-diameter Winnsboro Extension of the Regency Energy Partners' (Regency) pipeline, continuing north from the proposed CGT metering station site; and
- All related facilities.

Atmos states that the project would provide new storage. It would interconnect with the existing interstate pipelines operated by TGP, CGT, and ANR, and the intrastate pipeline operated by Regency. All proposed facilities would be constructed and operated in Franklin Parish, Louisiana. Atmos proposes beginning construction in 2009 and to have Cavern No. 1 in service by 2011, Cavern No. 2 in service by 2013, and Cavern No. 3 in service by 2015.

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; Native American tribes; 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 Fort Necessity Gas Storage 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 April 3, 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 CP09–22–000 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 2, PJ11.2.

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. E9–5247 Filed 3–11–09; 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 No. QF08–564–000]

Georgia Pacific Toledo LLC; Notice of Filing of Notice of Self-Certification of Qualifying Status of a Cogeneration Facility

March 5, 2009.

Take notice that on May 15, 2008, Georgia Pacific Toledo LLC (''GP''), 1400 SE. Butler Bridge Road, Toledo, Oregon 97391, filed with the Federal Energy Regulatory Commission a notice of self-certification of a facility as a qualifying cogeneration facility pursuant to 18 CFR 292.207(a) of the Commission's regulations.

GP states that the facility in question is a topping-cycle cogeneration facility with a primary energy source of natural gas. The cogeneration facility consists of two black liquor recovery boilers, three power boilers, and one hog fuel (bark) boiler to generate electricity and process heat to serve the resident paper mill. The facility is located in Toledo, Oregon.

GP further states that the facility is interconnected to Central Lincoln PUD (''Lincoln''), and expects from time-to-time to sell energy to or purchase supplementary, standby, back-up, and maintenance power from Lincoln.

A notice of self-certification does not institute a proceeding regarding qualifying facility status; a notice of self-certification provides notice that the entity making filing has determined the Facility meets the applicable criteria to be a qualifying facility. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii).

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.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–5262 Filed 3–11–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP07–406–003]

Monroe Gas Storage Company, LLC; Notice of Filing

March 4, 2009.

Take notice that on February 23, 2009, Monroe Gas Storage Company, LLC (Monroe Gas), 1200 17th Street, Suite 2100, Denver, CO 80202, filed an application, pursuant to section 7 of the Natural Gas Act (NGA) and Part 157 of the Commission's Rules and Regulations, for limited amendment to its certificate of public convenience and necessity issued on December 21, 2007 under Docket No. CP07–406–000. Monroe Gas seeks authorization to implement its Revised Well Plan Project at the certificated gas storage field currently under construction in Monroe County, Mississippi (Project). The application is on file with the Commission and open for public inspection. 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 ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866)208–3676, or for TTY, contact (202) 502–8659.

The Project will involve the relocation of two wells, the addition of eight new wells, and related changes to ancillary facilities, including well pads, gathering pipelines and access roads. There will be no changes to the certificated compression and control facilities. Monroe Gas does not seek to change the overall physical capabilities of the certificated gas storage field. The Project will affect a total of approximately 33.41 acres of land which located within the boundaries of the storage field as previously certificated.

Any questions regarding the application are to be directed to William B. Mathews, Monroe Gas Storage Company, LLC, 1200 17th Street, Suite 2100, Denver, CO 80202, (303) 951–4282.

Any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, 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 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.

Motions to intervene, protests and comments 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 16, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–5255 Filed 3–11–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Filing

March 5, 2009.

San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services	Docket No. EL00–95–214
Investigation of Practices of the California Independent System Operator and the California Power Exchange.	Docket No. EL00–98–199
Puget Sound Energy, Inc v. Sellers of Energy and/or Capacity	Docket No. EL01–10–038
Investigation of Anomalous Bidding Behavior and Practices in Western Markets	Docket No. IN03–10–040
Fact-finding Investigation Into Possible Manipulation of Electric and Natural Gas Prices	Docket No. PA02–2–055
City of Riverside, California	Docket No. EL03–146–005

Take notice that on July 1, 2008, the City of Azusa, California and the California Parties submit their Joint Compliance Filing in response to the Commission's June 4, 2008 Order, *San Diego Gas & Elec. Co.*, Order Approving Settlement Subject to Condition, 123 FERC ¶ 61,244 (2008) (June 4 Order).

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 26, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–5257 Filed 3–11–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL00–95–215]

San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services; Notice of Filing

March 5, 2009.

Investigation of Practices of the California Independent System Operator and the California Power Exchange.	Docket No. EL00–98–200
Puget Sound Energy, Inc. v. Sellers of Energy and/or Capacity	Docket No. EL01–10–039
Investigation of Anomalous Bidding Behavior and Practices in Western Markets	Docket No. IN03–10–035
Fact-finding Investigation Into Possible Manipulation of Electric and Natural Gas Prices	Docket No. PA02–2–056
City of Riverside, California	Docket No. EL03–150–005

Take notice that on July 1, 2008, the City of Riverside, California and the California Parties submit their Joint Compliance Filing in response to the Commission's June 4, 2008 Order, *San Diego Gas & Elec. Co.,* Order Approving Settlement Subject to Condition, 123 FERC ¶ 61,242 (2008) (June 4 Order).

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 26, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–5258 Filed 3–11–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER09–644–000]

South Carolina Electric & Gas Company; Notice of Filing

March 4, 2009.

Take notice that on February 2, 2009, South Carolina Electric & Gas Company filed a compliance filing to comply with Commission Order No. 676–C, pursuant to section 206 of the Federal Power Act.

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 March 13, 2009.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–5248 Filed 3–11–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 176–018]

City of Escondido and Vista Irrigation District; Notice of Technical Conference and Site Visit for Escondido Hydroelectric Project

March 5, 2009.

Technical Conference

On December 15, 2008, The City of Escondido and Vista Irrigation (co-applicants) filed an updated application to relicense the 1.8–MW Escondido Hydroelectric Project.

FERC staff will conduct two technical conferences for the purposes of gathering information and answering questions regarding the Escondido Project's Settlement Agreement and Updated License Application. The meetings will focus on obtaining public and agency input and requesting clarification from the applicants regarding the filed documents. All interested individuals, organizations, and agencies with environmental expertise and concerns are invited to attend one or both of the meetings and to assist the staff in defining and clarifying the issues related to the Escondido Hydroelectric Project licensing proceeding.

A. Date, Time, and Location:

Morning Meeting

Date: Tuesday, March 31, 2009.

Time: 9 a.m. (PST).

Place: Civic Center Plaza, Mitchell Room.

Address: 210 North Broadway, Escondido, CA 92025.

Evening Meeting

Date: Tuesday, March 31, 2009.

Time: 7 p.m. (PST).

Place: Civic Center Plaza, Mitchell Room.

Address: 210 North Broadway, Escondido, CA 92025.

B. Directions to the Mitchell Room, Escondido City Hall: From San Diego, take Interstate 15 north to Hwy 78 east; From Los Angeles, take Interstate 5 south to Hwy 78 east, past Interstate 15; From Ontario/Riverside, take Interstate 15 south to Hwy 78 east; Then, turn right (south) on North Broadway, right again (west) on Valley Parkway (a one-way street), and park in the first or second public lot on the right (the second lot is referred to as the Art Center parking lot). A permit will be issued in the Mitchell Room for you to put on your dashboard that will allow you to exceed the posted parking time limit for either of these two lots. If these lots are both full, proceed west on Valley Parkway and make a right turn (north) on Escondido Blvd. Pass the Performing Arts Center (Lyric Theatre) and the flood control channel and turn right into the Woodward Avenue parking lot.

C. FERC Contact: Emily Carter, *emily.carter@ferc.gov,* 202–502–6512.

D. Purpose of Meeting: FERC staff will conduct two technical conferences for the purposes of gathering information and answering questions regarding the Escondido Hydroelectric Project's Settlement Agreement and Updated License Application. The meetings will focus on obtaining public and agency input and requesting clarification from the applicant's regarding the filed documents. All interested individuals, organizations, and agencies with environmental expertise and concerns are invited to attend one or both of the meetings and to assist the staff in defining and clarifying the issues related to the Escondido Hydroelectric Project licensing proceeding.

The meetings will be recorded by a stenographer and become part of the formal record of the Commission proceeding on the project.

Site Visit

FERC staff, along with the applicants, will conduct a project site visit beginning at 8:45 a.m. on April 1, 2009. All interested individuals, organizations, and agencies are invited to attend. All participants should meet at the Escondido Civic Center Plaza in the Mitchell Room. All participants are responsible for their own transportation to the site, but car pooling is encouraged as much as possible. Please be aware that several of the facilities on this tour are accessed via rough dirt roads. Vehicles must be suitable for off-road use and four-wheel drive is

recommended (and may be required in wet weather). Please bring water and wear suitable field attire and footwear.

Date: Wednesday, April 1, 2009.

Time: 8:45 a.m. (PST).

Place: Civic Center Plaza, Mitchell Room.

Address: 210 North Broadway, Escondido, CA 92025.

Kimberly D. Bose,

Secretary.

[FR Doc. E9–5261 Filed 3–11–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL09–29–000; Docket No. EL09–30–000]

NorthWestern Corporation; Mountain States Transmission Intertie, LLC, NorthWestern Corporation; Supplemental Notice of Technical Conference

March 5, 2009.

By notice issued on February 25, 2009, Commission Staff established an informal technical conference in the above-referenced proceedings to be held on Thursday, March 12, 2009, at 1 p.m. (EDT), at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 (February 25 Notice).

The technical conference will afford Commission Staff and interested persons an opportunity to informally discuss issues associated with the Mountain States Transmission Intertie, LLC (MSTI) and Collector Projects proposed in the above-mentioned dockets. As indicated in the February 25 Notice, Commission Staff is now providing further details relating to the issues to be discussed at the conference.[1]

Rates and Service on the MSTI and Collector Projects

• Explain the proposed rate structures for the Collector Project and for MSTI.

• Explain how transmission rates will be calculated for transmission service on the NorthWestern Corporation (Northwestern) system in relation to transmission service on the Collector Project and/or MSTI, and explain whether the proposals will result in rate pancaking (i.e., separate rates for service on each entity or segment) or a form of ''And'' pricing.

• What cost-based alternatives to the MSTI project, not affiliated with NorthWestern, do customers have in the relevant geographic area?

• Identify any benefits to customers (other than the MSTI customers) associated with closing the 500kV loop in the Pacific Northwest. Describe how those benefits, if any, are reflected in the ''negotiated'' rates to MSTI customers.

Distinctions Between the MSTI and Collector Projects

• Setting aside the statement that MSTI is a stand-alone entity, what distinguishes the Collector Project from MSTI?

• Explain how and by whom service on MSTI will be scheduled, generation using the line will be dispatched, and the line will be maintained.

• Discuss the affiliation between NorthWestern and MSTI and distinguish it from the affiliate concerns addressed in *Chinook Power Transmission, LLC,* 126 FERC ¶ 61,134 (2009).

Open Season Issues

• To the extent the Collector Project or MSTI are sized with greater capacity than is requested in the open season, who will pay for the excess capacity? What rights will be associated with such additional payments? If projects are sized at less than the capacity requested in the open season, how will requests for capacity be rationed?

• Will customers have exit rights if the offered capacity is greater than or less than what they requested in the open season? If so, what are those exit rights? Are there any penalties for withdrawing?

• Explain whether and under what circumstances NorthWestern will permit customers to opt out of the Collector cluster study.

• Describe NorthWestern's pre-open season industry interest contact process and the results of those contacts.

Queue Issues

• Provide details about the current transmission service requests in NorthWestern's queue, including, but not limited to, the amount, when and how they were submitted, the terms of the requests, and any commitments made by those customers or NorthWestern with respect to those transmission service requests.

• Explain the reasoning for the preference afforded to MSTI customers that are currently in NorthWestern's queue, and whether those customers have entered into binding agreements to date.

System Configuration and Siting Issues

• Describe the physical configuration of the Collector and MSTI Projects and how they are interconnected to the NorthWestern system, and each other.

• Describe the paths and sources of energy that may flow onto or from the Collector Project and MSTI through NorthWestern's existing system or from other systems.

• Describe any filings related to the Collector and MSTI Projects that have thus far been filed with Montana or Idaho state agencies.

• Has NorthWestern or MSTI obtained rights to eminent domain through all or any part of the MSTI project area?

Requested Waivers

• Explain the basis for and justification supporting the requests for waivers for the Collector Project, and specifically the waiver of the requirement to file unexecuted service agreements with the Commission and the waiver of the requirement regarding posting of transmission service request studies information.

The Petitioners[2] should be prepared to address these issues, as well as the concerns raised in the protests or by interested persons at the technical conference. Petitioners are also invited to provide additional support for the filings.

All interested persons are permitted to attend. For further information please contact either Timothy Duggan at (202) 502–8326 or e-mail *Timothy.Duggan@ferc.gov,* or Katie Detweiler at (202) 502–6426 or e-mail *Katie.Detweiler@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. E9–5259 Filed 3–11–09; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP09–194–000]

Tennessee Gas Pipeline Company; Notice of Technical Conference

March 4, 2009.

Take notice that the Commission will convene a technical conference in the above-referenced proceeding on

[1] On March 3, 2009, NorthWestern filed an answer to protests in Docket Nos. EL09–29–000 and EL09–30–000. We note that NorthWestern answered some of the protestors' and Staff's concerns in that answer; however, Staff would still like to further discuss the topics listed in the instant notice, even where there is overlap with the answers already provided.

[2] Petitioners are NorthWestern Corporation and Mountain States Transmission Intertie, LLC.

Tuesday, March 31, 2009, at 10 a.m. (EDT), in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission determined to hold a technical conference to explore a proposal by Tennessee Gas Pipeline Company (Tennessee) to enhance the flexibility of shippers that using its supply area and/or market area pooling points and issues raised by that proposal including, but not limited to, the possible degradation of existing service, and the possible effects on scheduling and nomination priorities, primary firm rights, and the allocation of mainline versus receipt point capacity among proposed and existing points.

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 (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

All interested persons are permitted to attend. For further information please contact Robert McLean at (202) 502–8156 or e-mail *Robert McLean@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. E9–5246 Filed 3–11–09; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL8779–4; Docket ID No. EPA–HQ–ORD–2007–0925]

Draft Integrated Science Assessment for Carbon Monoxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public comment period.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is announcing the availability of a document titled, ''First External Review Draft Integrated Science Assessment for Carbon Monoxide'' (EPA/600/R–09/019). This draft document was prepared by the National Center for Environmental Assessment (NCEA) within EPA's Office of Research and Development as part of the review of the national ambient air quality standards (NAAQS) for carbon monoxide.

EPA is releasing this draft document to seek review by the Clean Air Scientific Advisory Committee (CASAC) and the public. The draft document does not represent and should not be construed to represent any final EPA policy, viewpoint, or determination. EPA will consider any timely public comments submitted in response to this notice when revising the document.

DATES: Comments must be received on or before May 8, 2009.

ADDRESSES: The ''First External Review Draft Integrated Science Assessment for Carbon Monoxide'' will be available primarily via the Internet on the National Center for Environmental Assessment's home page under the Recent Additions and Publications menus at *http://www.epa.gov/ncea.* A limited number of CD–ROM or paper copies will be available. Contact Ms. Debbie Wales by phone (919–541–4731), fax (919–541–5078), or e-mail (*wales.deborah@epa.gov*) to request either of these, and please provide your name, your mailing address, and the document title, ''First External Review Draft Integrated Science Assessment for Carbon Monoxide'' (EPA/600/R–09/019) to facilitate processing of your request.

FOR FURTHER INFORMATION CONTACT: For technical information, contact Dr. Thomas C. Long, NCEA; telephone: 919–541–1880; facsimile: 919–541–2985; or e-mail: *long.tom@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Information About the Document

Section 108(a) of the Clean Air Act directs the EPA Administrator to identify certain pollutants that ''cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare'' and to issue air quality criteria for them. These air quality criteria are to ''accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of such pollutant in the ambient air * * *.'' Under section 109 of the Act, EPA is to establish national ambient air quality standards (NAAQS) for each pollutant for which EPA has issued criteria. Section 109(d) of the Act requires periodic review and, if appropriate, revision of existing air quality criteria to reflect advances in scientific knowledge on the effects of the pollutant on public health or welfare. EPA is also to revise the NAAQS, if appropriate, based on the revised air quality criteria.

Carbon monoxide (CO) is one of six ''criteria'' pollutants for which EPA has established NAAQS. Periodically, EPA reviews the scientific basis for these standards by preparing an Integrated Science Assessment (ISA) (formerly called an Air Quality Criteria Document). The ISA and supplementary annexes, in conjunction with additional technical and policy assessments, provide the scientific basis for EPA decisions on the adequacy of the current NAAQS and the appropriateness of possible alternative standards. The Clean Air Scientific Advisory Committee (CASAC), an independent science advisory committee whose review and advisory functions are mandated by Section 109(d)(2) of the Clean Air Act, is charged (among other things) with independent scientific review of EPA's air quality criteria.

On September 13, 2007 (72 FR 52369), EPA formally initiated its current review of the air quality criteria for CO, requesting the submission of recent scientific information on specified topics. A workshop was held on January 28–29, 2008 (73 FR 2490) to discuss policy-relevant science to inform EPA's planning for the CO NAAQS review. Following the workshop, a draft of EPA's ''Plan for Review of the National Ambient Air Quality Standards for Carbon Monoxide'' (EPA–452/D–08–001) was made available in March 2008 for public comment and was discussed by the CASAC via a publicly accessible teleconference consultation on April 8, 2008 (73 FR 12998). EPA finalized the plan and made it available in August 2008 (EPA/452/R–08/005; *http://www.epa.gov/ttn/naaqs/standards/co/s_co_cr_pd.html*). In November 2008, EPA held an authors' teleconference to discuss, with invited scientific experts, preliminary draft materials prepared during the ongoing development of the CO ISA and its supplementary annexes.

After the end of the comment period on the First External Review Draft ISA for CO, the CASAC review panel will review the draft at a public meeting. Timely public comments received will be provided to the CASAC review panel. A future **Federal Register** notice will inform the public of the exact date and time of that meeting.

II. How To Submit Technical Comments to the Docket at *http://www.regulations.gov*

Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2007–0925, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: ORD.Docket@epa.gov.*
- *Fax:* 202–566–1753.
- *Mail:* Office of Environmental Information (OEI) Docket (Mail Code: 2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,

Washington, DC 20460. The phone number is 202–566–1752.

• *Hand Delivery:* The OEI Docket is located in the EPA Headquarters Docket Center, Room 3334 EPA West Building, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is 202–566–1744. Such deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

If you provide comments by mail or hand delivery, please submit an original and three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

Instructions: Direct your comments to Docket ID No. EPA–HQ–ORD–2007–0925. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked ''late,'' and may only be considered if time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at *http://www.regulations.gov,* including any personal information provided, unless a comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information through *http://www.regulations.gov* or e-mail that you consider to be CBI or otherwise protected. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: Documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Publicly available docket materials are generally available either electronically in *http://www.regulations.gov* or in hard copy at the OEI Docket in the EPA Headquarters Docket Center; however, certain materials, such as copyrighted material, are publicly available only in hard copy.

Dated: March 3, 2009.

Rebecca Clark,

Acting Director, National Center for Environmental Assessment.

[FR Doc. E9–5201 Filed 3–11–09; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8775–7]

Partnership To Promote Innovation in Environmental Practice, Notice of Availability of Solicitation for Proposals for 2009 Assistance Agreement Award

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency), National Center for Environmental Innovation (NCEI) is giving notice of the availability of its solicitation for proposals from institutions that are interested in organizing two symposia over four years to promote sharing and transfer of innovative environmental protection approaches among States, EPA, and other primarily governmental representatives. The solicitation is available at the Agency's State Innovation Grant Web site: *http://www.epa.gov/innovation/2010symposium.htm*, or may be requested from the Agency by e-mail to: *innovation_state_grants@gov*, telephone, or by mail. Eligible recipients include States, territories, Indian Tribes, interstate organizations, intrastate organizations, and possessions of the U.S., including the District of Columbia, public and private universities and colleges, hospitals, laboratories, other public or private nonprofit institutions, and individuals. Nonprofit organizations described in Section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act of 1995 are not eligible to apply. For-profit organizations are generally not eligible for funding.

DATES: Eligible applicants will have until April 22, 2009, to respond with a pre-proposal, budget, and project summary.

ADDRESSES: Copies of the solicitation can be downloaded from the Agency's Web site at *http://www.epa.gov/innovation/2010symposium.htm* or may be requested by telephone (202–566–2236), or by e-mail (*innovation_state_grants@epa.gov*). You can request a solicitation application package be sent to you by fax or by mail by contacting NCEI as indicated below.

Applicants are requested to apply online using the Grants.gov Web site with an electronic signature. Applicants are encouraged to submit their pre-proposals early. For those applicants who lack the technical capability to apply electronically via *http://www.grants.gov*, please contact Scott Fontenot by phone at: (202) 566–2236 and/or by e-mail at: *innovation_state_grants@epa.gov*, for alternative submission procedures.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice, please contact EPA at this e-mail address: *innovation_state_grants@epa.gov*; or, you may call Scott Fontenot at (202) 566–2236.

SUPPLEMENTARY INFORMATION: Strengthening EPA's innovation partnership with States and Tribes is a cornerstone of EPA's Innovation Strategy (*http://www.epa.gov/innovation/strategy.htm*). A key mechanism by which this partnership has been enhanced is through a bi-annual conference sponsored primarily by the National Center for Environmental Innovation that brings together State and EPA innovation practitioners to share experiences. EPA sponsored the first State-EPA Environmental Innovation Symposium in 2000 to showcase environmental innovations that promise improved results. A second symposium was held in 2003. In 2006, NCEI joined with EPA's Office of Congressional and Intergovernmental Relations to offer an expanded agenda that focused on innovation as well as performance management issues. In 2008, NCEI and EPA's Office of Air and Radiation held the State/EPA Symposium on Innovating for Sustainable Results: Integrated Approaches for Climate, Energy, and the Environment.

(Information about these events can be found at *http://www.epa.gov/innovation/symposia.htm*). Evaluations from these events, along with discussion with State commissioners, indicate that States and others have a strong interest in additional symposia that allow participants to share experiences and results from innovative environmental programs and policies.

The primary audience for these symposia will be State environmental agency officials with practical experience implementing innovative approaches to environmental protection. Representatives from American Indian Tribes, local governments, other governments, NGOs, and the business community will also be invited to participate as appropriate to the ultimate symposia agendas. While EPA will have participants at the symposia, the primary goal of the meetings is to identify and highlight environmental innovations that can help States and other governmental entities learn about new ways to achieve environmental results. The symposia should be designed to:

—Identify and showcase successful, innovative projects and programs that have accomplished important environmental results at the State, Federal, or other levels;
—Facilitate information transfer so that proven approaches can be used by other states or other entities to achieve improved environmental results;
—Enable discussion about specific issues facing innovators, such as how to effectively evaluate pilot-scale efforts and how to replicate successful innovations on a larger scale (*e.g.*, from a pilot project at one facility to a program for the entire sector) or in other programs (*e.g.*, from use in the air program to the water program), and how to sustain innovation over time so that projects continue evolving to reflect new knowledge, experience, and/or technology;
—Expand the network of State, Federal and other environmental practitioners who are interested in applying and advancing new approaches;
—Stimulate ideas for new innovative initiatives and pilot projects.

The recipient will be responsible for preparing symposia agendas, identifying relevant speakers and presenters, promoting the event, and managing all symposia logistics. The recipient will be expected to be knowledgeable about a broad array of environmental policy issues and innovative approaches that have been tested to address them, and will establish and work with a Steering Committee comprised of representatives from the recipient, State environmental agencies and EPA, to serve as a resource and help inform planning of the symposia.

EPA is interested in supporting the first symposium in 2010 and a second symposium approximately two years later. The goal is to maximize participation for State environmental officials as well as local and Tribal government officials.

In addition to organizing the symposia, the recipient will provide other mechanisms for sharing information presented at the symposia, including providing all presentations and videotaped plenary sessions on a publicly available Web site. These resources will help extend the learning that occurs at the symposia to States, as well as other interested stakeholders.

Dated: March 3, 2009.

David Widawsky,

Acting Director, National Center for Environmental Innovation.

[FR Doc. E9–5384 Filed 3–11–09; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

March 4, 2009.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to comment on the following information collection(s). 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. An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before May 11, 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 to *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(s), 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: 3060–0029.

Title: Application for TV Broadcast Station License, Form FCC 302–TV; Application for DTV Broadcast Station License, FCC Form 302–DTV; Application for Construction Permit for Reserved Channel Noncommercial Educational Broadcast Station, FCC Form 340; Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station, FCC Form 349; FCC 47 CFR 73.626.

Form Number: FCC Forms 302–TV, 302–DTV, 340 and 349.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions.

Number of Respondents and Responses: 4,425 respondents; 6,425 responses.

Estimated Time per Response: 1 hour to 4 hours.

Frequency of Response: Recordkeeping requirement; On occasion reporting requirement; third party disclosure requirement.

Total Annual Burden: 14,450 hours.

Total Annual Cost: $21,869,625.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority is contained in sections 154(i), 303 and 308 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment: No impact(s).

Needs and Uses: On November 3, 2008, the Commission adopted a Report

and Order in the Matter of Digital Television Distributed Transmission System Technologies; MB Docket No. 05–312, FCC 08–256 (released Nov. 7, 2008). In this Report and Order, the Commission adopts rules for the use of distributed transmission system (''DTS'') technologies in the digital television (''DTV'') service. *See* 47 CFR 73.626. DTS technology allows stations to employ multiple synchronized transmitters spread around a station's service area, rather than the current single-transmitter approach. Each transmitter would broadcast the station's DTV signal on the same channel, similar to analog TV booster stations but more efficiently. Due to the synchronization of the transmitted signals, DTV receivers should be able to treat the multiple signals as reflections or ''ghosts'' and use ''adaptive equalizer'' circuitry to cancel or combine them to produce a single signal.

Congress has mandated that after June 12, 2009, full-power television broadcast stations must transmit only in digital signals, and may no longer transmit analog signals. Full power DTV stations will use DTS technologies to meet their statutory responsibilities and begin operations on their final, post-transition (digital) channels by their construction deadlines. DTS will provide DTV broadcasters with an important tool for providing optimum signal coverage for their viewers. For some broadcasters that are changing channels or transmitting locations for their digital service, DTS may offer the best option for continuing to provide over-the-air service to current analog viewers, as well as for reaching viewers that have historically been unable to receive a good signal due to terrain or other interference.

FCC Form 340 is being revised to accommodate the filing of DTS applications.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E9–5243 Filed 3–11–09; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

March 6, 2009.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to comment on the following information collection(s). 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; (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; and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees. An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before May 11, 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: Submit your comments by e-mail to *PRA@fcc.gov*. Include in the e-mail the OMB control number of the collection or, if there is no OMB control number, the Title shown in the **SUPPLEMENTARY INFORMATION** section below. If you are unable to submit your comments by e-mail, contact the person listed below to make alternate arrangements.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s) or to obtain a copy of the collection, send an e-mail to *PRA@fcc.gov* and include the collection's OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below (or the title of the collection if there is no OMB control number), or call or contact Judith B.Herman at (202) 418–0214.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0398.

Title: Sections 2.948 and 15.117(g)(2)—Equipment Authorization Measurement Standards.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 320.

Estimated Time per Response: 5 to 30 hours.

Frequency of Response: Recordkeeping requirement and every one and three years and on occasion reporting requirements.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is Sections 4(i), 302, 303(c), 303(f), 303(g) and 303(r), and 309(a) of the Communications Act of 1934.

Total Annual Burden: 9,100 hours.

Total Annual Cost: None.

Privacy Impact Assessment: N.A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: This collection will be submitted as an extension (no change in the reporting requirements) after this 60-day comment period to the Office of Management and Budget (OMB) in order to obtain the full three-year clearance. There is no change to the number of respondents/responses and estimated burden hours.

The Commission established uniform technical standards for various non-licensed equipment operating under the guidelines established in 47 CFR parts 15 and 19 of the Commission's Rules, which include personal computers, garage door openers, baby monitors, microwave ovens, etc. In order to ensure that technical standards are applied uniformly to non-licensed equipment, the Commission requires standardized measurement procedures and practices be followed:

(1) 47 CFR Part 2 of the Commission's rules require Electro-Magnetic Compatibility (EMC) testing facility that performs equipment testing in support of any request for equipment authorization to file a test site description, either with the Commission or with a Commission approved accrediting body;

(2) The test site description and the supporting information documents that the EMC testing facility complies with the testing standards used to make the measurements that support any request for equipment authorization; and

(3) In addition, the referenced 47 CFR part 15 rules require that equipment manufacturers file information concerning the testing of TV receivers, which tune to UHF channels, to show that the UHF channels provide approximately the same degree of tuning accuracy with approximately the same expenditure of time and effort.

The Commission or the accrediting body, *e.g.*, EMC testing facility uses this information to ensure that data accompanying all requests for equipment authorization are valid, and that proper testing procedures are used. Testing ensures that potential interference to radio communications is controlled, and if necessary, the data may be used for investigating complaints of harmful interference, or for verifying the manufacturer's compliance with FCC rules.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E9–5400 Filed 3–11–09; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget, Comments Requested

March 6, 2009.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501–3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) 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 Paperwork Reduction Act (PRA) comments should be submitted on or before April 13, 2009. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, (202) 395–5887, or via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov* and to *Judith-B.Herman@fcc.gov*, Federal Communications Commission, or an e-mail to *PRA@fcc.gov*. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://reginfo.gov/public/do/PRAMain*, (2) look for the section of the web page called ''Currently Under Review'', (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0848.

Title: Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98–147.

Form Number: N/A.

Type of Review: Revision of an existing collection.

Respondents: Businesses or other for-profit.

Number of Respondents and Responses: 1,400 respondents; 17,340 responses.

Estimated Time per Response: .50–26 hours.

Frequency of Response: On occasion reporting requirement, third party disclosure requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 201 and 251 of the Communications Act of 1934.

Total Annual Burden: 61,490 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: No impact.

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit confidential information. Any respondent who submits information to the Commission that they believe is confidential, may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The reporting, recordkeeping and third party disclosure requirements implement sections 201 and 251 of the Communications Act of 1934, as amended, to provide for physical collocation on rates, terms and conditions that are just, reasonable and nondiscriminatory, and to promote deployment of advanced services without significantly degrading the performance of other services. All the requirements will be used by the Commission and competitive local exchange carriers (LECs) to facilitate the deployment of telecommunications services, including advanced telecommunications services.

OMB Control Number: 3060–0645.

Title: Section 17.4, Antenna Structure Registration.

Form No.: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 25,600 respondents; 40,565 responses.

Estimated Time per Response: .1–.05 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement and third party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154, 301, and 309 of the Communications Act of 1934, as amended.

Total Annual Burden: 40,329 hours.

Total Annual Cost: $3,200,000.

Privacy Act Impact Assessment: No impact.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission requesting an extension (no change in reporting, recordkeeping and/or third party disclosure requirements) in order to obtain the full three year clearance from the OMB.

There is no change in respondents/responses, burden hours and/or annual costs.

The requirements in Part 17 are necessary to implement a uniform registration process for owners of antenna structures. The following are the information collection requirements:

- Antenna structure owners are required to provide tenant licensees with a copy of the antenna registration;

• Display the registration number on or around the antenna structure;

• Notification of improper functioning of antenna structure lights; and

• Recording of improper functioning of antenna structure lights.

The information is used by the Commission during investigations related to air safety or radio frequency interference. A registration number is issued to identify antenna structure owners in order to enforce Congressionally mandated provisions related to the owners.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E9–5402 Filed 3–11–09; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2882]

Petition for Reconsideration of Action in Rulemaking Proceeding

March 6, 2009.

A Petition for Reconsideration has been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room CY–B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). Oppositions to this petition must be filed by March 27, 2009. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: In the Matter of Amendment of Part 90 of the Commission's Rules to Provide for Flexible Use of the 896–901 MHz and 935–940 MHz Band Allotted to the Business and Industrial Land Transportation Pool (WT Docket No. 05–62),

Improving Public Safety Communications in the 800 MHz Band on Certain Part 90 (WT Docket No. 02–55), Consolidating the 800 MHz and 900 MHz Industrial/Land Transportation and Business Pool Channels.

Number of Petitions Filed: 1.

Marlene H. Dortch,

Secretary.

[FR Doc. E9–5397 Filed 3–11–09; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Notices

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, March 12, 2009, at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED: Correction and approval of minutes.

Draft Advisory Opinion 2009–01: Socialist Workers Party by counsel, Michael Krinsky, Esq., and Lindsey Frank, Esq.

Management and administrative matters.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Mary Dove, Commission Secretary, at (202) 694–1040, at least 72 hours prior to the hearing date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. E9–5342 Filed 3–11–09; 8:45 am]

BILLING CODE 6715–01–M

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

SUMMARY:

Background

Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Michelle Shore—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829)

OMB Desk Officer-Shagufta Ahmed —Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision, of the Following Reports

1. *Report Title:* Quarterly Report of Assets and Liabilities of Large Foreign Offices of U.S. Banks.

Agency Form Number: FR 2502q.

OMB Control Number: 7100–0079.

Frequency: Quarterly.

Reporters: Large foreign branches and banking subsidiaries of U.S. depository institutions.

Annual Reporting Hours: 1,176 hours.

Estimated Average Hours per Response: 3.5 hours.

Number of Respondents: 84.

General Description of Report: This information collection is required (12 U.S.C. 248(a) (2), 353 *et seq.*, 461, 602, and 625) and is given confidential treatment (5 U.S.C. 552(b) (4)).

Abstract: This reporting form collects data quarterly on the geographic distribution of the assets and liabilities of major foreign branches and subsidiaries of U.S. commercial banks and of Edge and agreement corporations. Data from this reporting form comprise a piece of the flow of funds data that are compiled by the Federal Reserve.

Current Actions: On December 23, 2008, the Federal Reserve published a notice in the **Federal Register** (73 FR 78797) requesting public comment for 60 days on the proposal to extend, with revision, the FR 2502q. The comment period for this notice expired on February 23, 2009. The Federal Reserve received one comment from a Federal agency describing its use of the data to prepare economic account information and estimates of international transactions. The revisions will be implemented as proposed.

2. *Report Title:* Recordkeeping Requirements of Regulation H and Regulation K Associated with Bank Secrecy Act Compliance Programs.

Agency Form Number: Reg K.

OMB Control Number: 7100–0310.

Frequency: Annually.

Reporters: State member banks; Edge and agreement corporations; and U.S.

branches, agencies, and other offices of foreign banks supervised by the Federal Reserve.

Annual Reporting Hours: 3,592 hours.

Estimated Average Hours per Response: Establish compliance program, 16 hours; and maintenance of compliance program, 4 hours.

Number of Respondents: Establish compliance program, 13; and maintenance of compliance program, 1,173.

General Description of Report: This information collection is mandatory pursuant to the Bank Secrecy Act (BSA) (31 U.S.C. 513(h)). In addition, sections 11, 21, 25, and 25A of the Federal Reserve Act (12 U.S.C. 248(a), 483, 602, and 611(a)) authorize the Federal Reserve to require the information collection and recordkeeping requirements set forth in Regulations K and H. Section 5 of the Bank Holding Company Act (12 U.S.C. 1844) and section 13(a) of the International Banking Act (12 U.S.C. 3108(a)) provide further authority for sections 211.5(m) and 211.24(j)(1) of Regulation K. Since the Federal Reserve does not collect any information, no issue of confidentiality normally arises. However, if a BSA compliance program becomes a Federal Reserve record during an examination, the information may be protected from disclosure under exemptions (b)(4) and (8) of the Freedom of Information Act (5 U.S.C. 552(b)(4) and (b)(8)).

Abstract: Sections 211.5(m)(1) and 211.24(j)(1) of Regulation K require Edge and agreement corporations and U.S. branches, agencies, and other offices of foreign banks supervised by the Federal Reserve to establish and maintain procedures reasonably designed to ensure and monitor compliance with the BSA and related regulations.

Current Actions: On December 23, 2008, the Federal Reserve published a notice in the **Federal Register** (73 FR 78797) requesting public comment for 60 days on the proposal to extend, with revision, the Recordkeeping Requirements of Regulation H and Regulation K Associated with Bank Secrecy Act Compliance Programs. The comment period for this notice expired on February 23, 2009. No comments were received. The revisions will be implemented as proposed.

3. *Report Title:* Weekly Report of Selected Assets and Liabilities of Domestically Chartered Commercial Banks and U.S. Branches and Agencies of Foreign Banks.

Agency Form Number: FR 2644.

OMB Control Number: 7100–0075.

Frequency: Weekly.

Reporters: Domestically chartered commercial banks and U.S. branches and agencies of foreign banks.

Annual Reporting Hours: 120,575 hours.

Estimated Average Hours per Response: 2.65 hours.

Number of Respondents: 875.

General Description of Report: The FR 2644 is authorized by section 2A and 11(a)(2) of the Federal Reserve Act (12 U.S.C. 225(a) and 248(a)(2)) and by section 7(c)(2) of the International Banking Act (12 U.S.C. 3105(c)(2)) and is voluntary. Individual respondent data are regarded as confidential under the Freedom of Information Act (5 U.S.C. 552(b)(4)).

Abstract: The Weekly Report of Assets and Liabilities for Large U.S. Branches and Agencies of Foreign Banks (FR 2069; OMB No. 7100–0030), the Weekly Report of Assets and Liabilities for Large Banks (FR 2416; OMB No. 7100–0075), and the Weekly Report of Selected Assets (FR 2644; OMB No. 7100–0075) are referred to collectively as the bank credit reports. These three voluntary reports have been the primary source of high-frequency data used in the analysis of current banking developments. The FR 2416 data are used on a stand-alone basis to construct the large domestically chartered bank series. The other two reports collect sample data that are used to estimate universe levels using data from the quarterly commercial bank Consolidated Reports of Condition and Income (FFIEC 031 and 041; OMB No. 7100–0036) and the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002; OMB No. 7100–0032) (Call Reports). Data from all three bank credit reports, together with data from other sources, are used to construct weekly estimates of bank credit, balance sheet data for the U.S. banking industry, sources and uses of banks' funds, and to analyze banking developments.

The Federal Reserve publishes the data in aggregate form in the weekly H.8 statistical release, *Assets and Liabilities of Commercial Banks in the United States,* which is followed closely by other government agencies, the banking industry, the financial press, and other users. This release provides a balance sheet for the banking industry as a whole and data disaggregated by its large domestically chartered, small domestically chartered, and foreign-related components.

Current Actions: On December 15, 2008, the Federal Reserve published a notice in the **Federal Register** (73 FR 76027) requesting public comment for 60 days on the extension, with revision, of the FR 2644. The comment period for this notice expired on February 13, 2009. The Federal Reserve received two comment letters, one from a U.S. Government agency and one from a commercial bank. One commenter supported the proposed changes and described its use of the data in constructing a component of personal outlays in the national income and product accounts. One commenter stated that investment and loan information would be difficult to obtain on a weekly basis. After considering these comments, the Federal Reserve has approved the revisions to the FR 2644 as originally proposed. The new FR 2644 reporting form and instructions are available on the Federal Reserve's public Web site (*http://www.federalreserve.gov/reportforms/review.cfm).*

Effective Date: The FR 2644 reporting form change is effective for data reported as of Wednesday, July 1, 2009. Respondents should continue to use their current reporting form and instructions through the preceding date, Wednesday, June 24, 2009.

Final Approval, Under OMB Delegated Authority, of the Discontinuance of the Following Reports

Report Title: The Weekly Report of Assets and Liabilities for Large U.S. Branches and Agencies of Foreign Banks; the Weekly Report of Assets and Liabilities for Large Banks.

Agency Form Number: FR 2069; FR 2416.

OMB Control Number: 7100–0030; 7100–0075.

Frequency: Weekly.

Reporters: U.S. branches and agencies of foreign banks; Domestically chartered commercial banks.

Annual Reporting Hours: FR 2069, 14,560 hours; FR 2416, 22,386 hours.

Estimated Average Hours per Response: FR 2069, 4.00 hours; FR 2416, 8.61 hours.

Number of Respondents: FR 2069, 70; FR 2416, 50.

Current Actions: On December 15, 2008, the Federal Reserve published a notice in the **Federal Register** (73 FR 76027) requesting public comment for 60 days on the discontinuance of the FR 2069 and FR 2416. The comment period for this notice expired on February 13, 2009. No comments were received. The reports will be discontinued as proposed. The new FR 2644 reporting form and instructions are available on the Federal Reserve's public Web site *(http://www.federalreserve.gov/reportforms/review.cfm).*

Effective Date: The FR 2069 and FR 2416 reporting forms will be discontinued effective Wednesday, July

1, 2009. Respondents should continue to use their current reporting form and instructions through the preceding date, Wednesday, June 24, 2009. Beginning July 1, 2009, all bank credit respondents should file the FR 2644 reporting form.

Final Approval Under OMB Delegated Authority To Conduct the Following Survey

Report Title: 2010 Survey of Consumer Finances (SCF).

Agency Form Number: FR 3059.

OMB Control Number: 7100–0287.

Frequency: One-time survey.

Reporters: U.S. families.

Annual Reporting Hours: 9,322 hours.

Estimated Average Hours per Response: Business pretest, 15 minutes; and Main pretest, Main survey, Re-interview 1, and Re-interview 2, 75 minutes each.

Number of Respondents: Business pretest, 30; Main pretest, 150; Main survey, 7,000; Re-interview 1, 150; and Re-interview 2, 150.

General Description of Report: This information collection is voluntary (12 U.S.C. 225a and 263). The names and other characteristics that would directly identify respondents would be retained by the Federal Reserve's contractor and are exempt from disclosure pursuant to the Confidential Information Protection and Statistical Efficiency Act and section (b)(3) of the Freedom of Information Act (5 U.S.C. 552 (b)(3)).

Abstract: For many years, the Federal Reserve has sponsored consumer surveys to obtain information on the financial behavior of households. The 2010 SCF would be the latest in a triennial series, which began in 1983, that provides comprehensive data for U.S. families on the distribution of assets and debts, along with related information and other data items necessary for analyzing financial behavior. The SCF is the only survey conducted in the United States that provides such financial data for a representative sample of households.

Current Actions: On December 23, 2008, the Federal Reserve published a notice in the **Federal Register** (73 FR 78797) requesting public comment for 60 days on the proposal to conduct the Survey of Consumer Finances. The comment period for this notice expired on February 23, 2009. No comments were received. The survey will be conducted as proposed.

Board of Governors of the Federal Reserve System, March 9, 2009.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E9–5335 Filed 3–11–09; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

SUMMARY: *Background.* Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Michelle Shore—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829)

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Final Approval Under OMB Delegated Authority of the Revision, Without Extension, of the Following Reports:

1. *Report Title:* Financial Statements of Nonbank Subsidiaries of U.S. Bank Holding Companies.

Agency Form Number: FR Y–11.

OMB Control Number: 7100–0244.

Frequency: Quarterly and annually.

Reporters: Bank holding companies (BHCs).

Annual Reporting Hours: FR Y–11 (quarterly), 11,424 hours; FR Y–11 (annually), 1,489 hours.

Estimated Average Hours per Response: FR Y–11 (quarterly), 6.80 hours; FR Y–11 (annual), 6.80 hours.

Number of Respondents: FR Y–11 (quarterly), 420; FR Y–11 (annually), 219.

General Description of Report: This information collection is mandatory (12 U.S.C. 1844(c)). Confidential treatment is not routinely given to the data in these reports. However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form, pursuant to sections (b)(4), (b)(6) and (b)(8) of the Freedom of Information Act [5 U.S.C. 552(b)(4), (b)(6) and (b)(8)].

Abstract: The FR Y–11 reporting forms collect financial information for individual non-functionally regulated U.S. nonbank subsidiaries of domestic BHCs. BHCs file the FR Y–11 on a quarterly or annual basis according to filing criteria. The FR Y–11 data are used with other BHC data to assess the condition of BHCs that are heavily engaged in nonbanking activities and to monitor the volume, nature, and condition of their nonbanking operations.

Current Actions: On November 13, 2008, the Federal Reserve published a notice in the **Federal Register** (73 FR 67159) requesting public comment for 60 days on the revision, without extension, of the FR Y–11. The comment period for this notice expired on January 12, 2009. The Federal Reserve did not receive any comments; the revisions will be implemented as proposed.

2. *Report Title:* Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations.

Agency Form Number: FR 2314.

OMB Control Number: 7100–0073.

Frequency: Quarterly and annually.

Reporters: Foreign subsidiaries of U.S. state member banks (SMBs), bank holding companies (BHCs), and Edge or agreement corporations.

Annual Reporting Hours: FR 2314 (quarterly), 5,755 hours; FR 2314 (annually), 1,109 hours.

Estimated Average Hours per Response: FR 2314 (quarterly), 6.60 hours; FR 2314 (annual), 6.60 hours.

Number of Respondents: FR 2314 (quarterly), 218; FR 2314 (annually), 168.

General Description of Report: This information collection is mandatory (12 U.S.C. 324, 602, 625, and 1844(c)). Confidential treatment is not routinely given to the data in these reports. However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form, pursuant to sections (b)(4), (b)(6) and (b)(8) of the Freedom of Information Act [5 U.S.C. 552(b)(4), (b)(6) and (b)(8)].

Abstract: The FR 2314 reports collect financial information for non-functionally regulated direct or indirect foreign subsidiaries of U.S. SMBs, Edge and agreement corporations, and BHCs. Parent organizations (SMBs, Edge and agreement corporations, or BHCs) file the FR 2314 on a quarterly or annual basis according to filing criteria. The FR

2314 data are used to identify current and potential problems at the foreign subsidiaries of U.S. parent companies, to monitor the activities of U.S. banking organizations in specific countries, and to develop a better understanding of activities within the industry, in general, and of individual institutions, in particular.

Current Actions: On November 13, 2008, the Federal Reserve published a notice in the **Federal Register** (73 FR 67159) requesting public comment for 60 days on the revision, without extension, of the FR 2314. The comment period for this notice expired on January 12, 2009. The Federal Reserve did not receive any comments; the revisions will be implemented as proposed.

3. *Report Title:* Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations.

Agency Form Number: FR Y–7N.

OMB Control Number: 7100–0125.

Frequency: Quarterly and annually.

Reporters: Foreign banking organizations (FBOs).

Annual Reporting Hours: FR Y–7N (quarterly), 5,277 hours; FR Y–7N (annually), 1,149 hours.

Estimated Average Hours per Response: FR Y–7N (quarterly), 6.8 hours; FR Y–7N (annual), 6.8 hours.

Number of Respondents: FR Y–7N (quarterly), 194; FR Y–7N (annual), 169.

General Description of Report: This information collection is mandatory (12 U.S.C. 1844(c), 3106(c), and 3108). Confidential treatment is not routinely given to the data in these reports. However, confidential treatment for information, in whole or in part, on any of the reporting forms can be requested in accordance with the instructions to the form, pursuant to sections (b)(4) and (b)(6) of the Freedom of Information Act [5 U.S.C. 522(b)(4) and (b)(6)].

Abstract: The FR Y–7N collects financial information for non-functionally regulated U.S. nonbank subsidiaries held by FBOs other than through a U.S. bank holding company, U.S. financial holding company, or U.S. bank. FBOs file the FR Y–7N on a quarterly or annual basis based on size thresholds.

Current Actions: On November 13, 2008, the Federal Reserve published a notice in the **Federal Register** (73 FR 67159) requesting public comment for 60 days on the revision, without extension, of the FR Y–7N. The comment period for this notice expired on January 12, 2009. The Federal Reserve did not receive any comments; the revisions will be implemented as proposed.

4. *Report Title:* Consolidated Report of Condition and Income for Edge and Agreement Corporations.

Agency Form Number: FR 2886b.

OMB Control Number: 7100–0086.

Frequency: Quarterly.

Reporters: Edge and agreement corporations.

Annual Reporting Hours: 2,288 hours

Estimated Average Hours per Response: 15.15 hours banking corporations, 9.60 investment corporations.

Number of Respondents: 15 banking corporations, 50 investment corporations.

General Description of Report: This information collection is mandatory (12 U.S.C. 602 and 625). Schedules RC–M (except data item 3) and RC–V are held as confidential pursuant to section (b)(4) of the Freedom of Information Act [5 U.S.C. 552 (b)(4)].

Abstract: The mandatory FR 2886b comprises a balance sheet, income statement, 2 schedules reconciling changes in capital and reserve accounts, and 10 supporting schedules, and it parallels the Call Report that commercial banks file. The Federal Reserve uses the data collected on the FR 2886b to supervise Edge corporations, identify present and potential problems, and monitor and develop a better understanding of activities within the industry.

Current Actions: On November 13, 2008, the Federal Reserve published a notice in the **Federal Register** (73 FR 67159) requesting public comment for 60 days on the revision, without extension, of the FR 2886b. The comment period for this notice expired on January 12, 2009. The Federal Reserve did not receive any comments; the revisions will be implemented as proposed.

Proposal to Approve Under OMB Delegated Authority the Extension for Three Years, With Revision, of the Following Report:

1. *Report Title:* Bank Holding Company Report of Insured Depository Institutions' Section 23A Transactions with Affiliates.

Agency Form Number: FR Y–8.

OMB Control Number: 7100–0126.

Frequency: Quarterly.

Reporters: Top-tier bank holding companies (BHCs), including financial holding companies, for all insured depository institutions that are owned by the BHC and by foreign banking organizations that directly own a U.S. subsidiary bank.

Annual Reporting Hours: 52,010 hours.

Estimated Average Hours per Response: Institutions with covered transactions, 7.8 hours; Institutions without covered transactions, 1.0 hour.

Number of Respondents: Institutions with covered transactions, 1,013; Institutions without covered transactions, 5,101.

General Description of Report: This information collection is mandatory (section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)) and section 225.5(b) of Regulation Y (12 CFR 225.5(b)) and is given confidential treatment (5 U.S.C. 552(b)(4)).

Abstract: This reporting form collects information on transactions between an insured depository institution and its affiliates that are subject to section 23A of the Federal Reserve Act. The primary purpose of the data is to enhance the Federal Reserve's ability to monitor bank exposures to affiliates and to ensure banks' compliance with section 23A of the Federal Reserve Act. Section 23A of the Federal Reserve Act is one of the most important statutes on limiting exposures to individual institutions and protecting against the expansion of the Federal safety net.

Current Actions: On November 13, 2008, the Federal Reserve published a notice in the **Federal Register** (73 FR 67159) requesting public comment for 60 days on the extension, with revision of the FR Y–8. The comment period for this notice expired on January 12, 2009. The Federal Reserve did not receive any comments; the revisions will be implemented as proposed.

Board of Governors of the Federal Reserve System, March 9, 2009.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E9–5343 Filed 3–11–09; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

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

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

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank

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

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 6, 2009.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. Premier Financial Bancorp, Inc., Huntington, West Virginia, to acquire 100 percent of the voting shares of Abigail Adams National Bancorp, Inc., and thereby indirectly acquire The Adams National Bank, both of Washington, D.C., and Consolidated Bank and Trust Company, Richmond, Virginia.

Board of Governors of the Federal Reserve System, March 9, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–5366 Filed 3–11–09; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act; Notice of Meeting

TIME AND DATE: 10 a.m. (Eastern Time), March 16, 2009.

PLACE: 4th Floor Conference Room, 1250 H Street, NW., Washington, DC 20005.

STATUS: Parts will be open to the public and parts closed to the public.

MATTERS TO BE CONSIDERED

Parts Open to the Public

1. Approval of the minutes of the February 17, 2009 Board member meeting.
2. Thrift Savings Plan activity report by the Executive Director.
   a. Monthly Participant Activity Report.
   b. Investment Performance Report.
   c. Legislative Report.

Parts Closed to the Public

3. Propriety Information.
4. Personnel.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Trabucco, Director, Office of External Affairs, (202) 942–1640.

Dated: March 9, 2009.

Thomas K. Emswiler,

Secretary, Federal Retirement Thrift Investment Board.

[FR Doc. E9–5416 Filed 3–10–09; 11:15 am]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; HIT Standards Committee and HIT Policy Committee Nomination Letters

ACTION: Notice on letters of nomination.

SUMMARY: The American Recovery and Reinvestment Act of 2009 (Act), Public Law 111–5 amends the Public Health Service Act (PHSA) to add new sections 3002 and 3003. The new section 3003 of the PHSA establishes the HIT Standards Committee to make recommendations to the National Coordinator for Health Information Technology on standards, implementation specifications, and certification criteria for the electronic exchange and use of health information for purposes of health information technology adoption. The HIT Standards Committee members are to be appointed by the Secretary of the Department of Health and Human Services with the National Coordinator taking a leading role. Membership of the HIT Standards Committee should at least reflect the following categories of stakeholders and will include other individuals: providers, ancillary healthcare workers, consumers, purchasers, health plans, technology vendors, researchers, relevant Federal agencies, and individuals with technical expertise on health care quality, privacy and security, and on the electronic exchange and use of health information.

In addition, we also seek nominations to the HIT Policy Committee (established by the new section 3002 of the PHSA), which makes recommendations to the National Coordinator on the implementation of a nationwide health information technology infrastructure. The HIT Policy Committee will consist of at least 20 members. Three of these members will be appointed by the Secretary of the Department of Health and Human Services. Of the three members, one must be a representative of the Department of Health and Human Services and one must be a public health official. If, 45 days after the enactment of the Act, an official authorized under the Act to make appointments to the HIT Policy Committee has failed to make an appointment(s), the Act authorizes the Secretary of HHS to make such appointments. The Department of Health and Human Services is consequently accepting nominations for the HIT Policy Committee.

New section 3008 of the PHSA allows the Secretary to recognize the NeHC (if modified to be consistent with the requirements of section 3002 and 3003 of the Act and other federal laws) as either the HIT Policy Committee or the HIT Standards Committee. At this time, the Department of Health and Human Services is evaluating options regarding the National eHealth Collaborative and its role in relation to those Committees.

For appointments to either the HIT Standards Committee or the HIT Policy Committee, I am announcing the following: Letters of nomination and resumes should be submitted by March 16, 2009 to ensure adequate opportunity for review and consideration of nominees prior to appointment of members.

ADDRESSES: Office of the National Coordinator, Department of Health and Human Services, 200 Independence Avenue, NW., Washington, DC 20201, Attention: Judith Sparrow, Room 729D. E-mail address: *HIT_FACA_nominations@hhs.gov*. Please indicate in your letter or e-mail to which Committee your nomination belongs.

FOR FURTHER INFORMATION CONTACT: ONC/HHS, Judith Sparrow, (202) 205–4528.

Authority: The American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5), section 13101.

Dated: March 9, 2009.

Robert M. Kolodner,

National Coordinator for Health Information Technology, Office of the National Coordinator for Health Information Technology.

[FR Doc. E9–5391 Filed 3–9–09; 4:15 pm]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Objective Work Plan (OWP), Objective Progress Report (OPR) and Project Abstract.

OMB No.: 0980–0204.

Description: Content changes are being made to the OPR only. The information in the OPR is being collected on a quarterly basis to monitor the performance of grantees and better gauge grantee progress. The standardized format will allow ANA to report results across all its program areas and flag grantees that may need additional training and/or technical assistance to successfully implement their projects.

Following are content changes being made within specific sections of the OPR form:

Objective Work Plan Udate Section: Adding 1st through 4th Quarter (Q1,Q2,Q3,Q4) results for Activities within each Objective. The grantee can continue to add to this form each quarter (rather than on to a new form), reflecting cumulative results throughout the project period rather than just the quarter.

Financial Section: Add 2 Questions: (1) Provide details on any income generated as a result of ANA project activities; (2) Provide details on any changes made to the budget during the reporting period.

Native American Youth and Elder Opportunities Section: Add Question: (1) Request details on any intergenerational activities between grandparents and their grandchildren.

Finally, add a new section (last section) to the form:

Project Sustainability: (1) Request details on the grantee's intention to continue the project benefits and/or services after the project period has ended.

End of Content Changes to the OPR.

No changes are being made to the OWP or to the Project Abstract (below).

The information collected by the OWP is needed to properly administer and monitor the Administration for Native Americans (ANA) programs within the Administration for Children and Families (ACF). The OWP assists applicants in describing their projects' objectives and activities, and also assists independent panel reviewers, ANA staff and the ANA Commissioner during the review and funding decision process.

The Project Abstract provides crucial information in a concise format that is utilized by applicants, independent reviewers, ANA staff and the ANA Commissioner.

Respondents: Tribal Government, Native non-profit organizations, Tribal Colleges & Universities

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
OWP	500	1	3	1,500
OPR	275	4	1	1,100
Project Abstract	500	1	0.50	250

Estimated Total Annual Burden Hours: 2,850.

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: March 6, 2009.

Janean Chambers,

Reports Clearance Officer.

[FR Doc. E9–5283 Filed 3–11–09; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–E–0228]

Determination of Regulatory Review Period for Purposes of Patent Extension; PROFENDER

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for PROFENDER and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that animal drug product.

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

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 6222, Silver Spring, MD 20993–0002, 301–796–3602.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a

product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For animal drug products, the testing phase begins on the earlier date when either a major environmental effects test was initiated for the drug or when an exemption under section 512(j) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(j)) became effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the animal drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for an animal drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(4)(B).

FDA recently approved for marketing the animal drug product PROFENDER (emodepside, praziquantel). PROFENDER is indicated for the treatment and control of hookworm infections caused by *Ancylostoma tubaeforme* (adults, immature adults, and fourth stage larvae), roundworm infections caused by *Toxocara cati* (adults and fourth stage larvae), and tapeworm infections caused by *Dipylidium caninum* (adults) and *Taenia taeniaeformis* (adults) in cats. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for PROFENDER (U.S. Patent No. 5,514,773) from Astellas Pharma Inc., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated June 10, 2008, FDA advised the Patent and Trademark Office that this animal drug product had undergone a regulatory review period and that the approval of PROFENDER represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for PROFENDER is 1,585 days. Of this time, 1,542 days occurred during the testing phase of the regulatory review period, while 43 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 512(j) of the act (21 U.S.C. 360b(j)) became effective*: February 27, 2003. The applicant claims June 2, 2000, as the date the investigational new animal drug application (INAD) became effective. However, the date that a major health or environmental effects test is begun or the date on which the agency acknowledges the filing of a notice of claimed investigational exemption for a new animal drug, whichever is earlier, is the effective date for the INAD. According to FDA records, February 27, 2003, is the effective date for the INAD.

2. *The date the application was initially submitted with respect to the animal drug product under section 512 of the act*: May 18, 2007. The applicant claims May 15, 2007, as the date the new animal drug application (NADA) for PROFENDER (NADA 141–275) was initially submitted. However, a review of FDA records reveals that NADA 141–275 was initially submitted on May 18, 2007.

3. *The date the application was approved*: June 29, 2007. FDA has verified the applicant's claim that NADA 141–275 was approved on June 29, 2007.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,314 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments and ask for a redetermination by May 11, 2009. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by September 8, 2009. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Division of Dockets Management. Three copies of any mailed information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 24, 2009.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. E9–5374 Filed 3–11–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0664]

Anti-Infective Drugs 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: Anti-Infective Drugs 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 June 3, 2009, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC/ Silver Spring, The Ballrooms, 8727 Colesville Rd, Silver Spring, MD. The hotel telephone number is 301–589–5200.

Contact Person: Janie Kim, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301–827–7001, FAX: 301–827–6776, e-mail: *janie.kim@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington DC area), code 3014512530. 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: The committee will discuss issues related to the development of drugs for the treatment of tuberculosis, including drug resistant tuberculosis. Areas of discussion include diagnosis, treatment duration, study design (such as endpoints and duration of followup) and safety issues.

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 May 18, 2009. Oral presentations from the public will be scheduled between approximately 11:30 a.m. and 12:30 p.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 May 8, 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 May 11, 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 Janie Kim 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: March 3, 2009.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E9–5285 Filed 3–11–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0664]

Anti-Infective Drugs 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: Anti-Infective Drugs 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 June 2, 2009, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC/Silver Spring, The Ballrooms, 8727 Colesville Rd., Silver Spring, MD. The hotel telephone number is 301–589–5200.

Contact Person: Janie Kim, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301–827–7001, FAX: 301–827–6776, e-mail: *Janie.kim@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington DC area), code 3014512530. 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: The committee will discuss new drug application (NDA) 22–398, cethromycin oral tablets, sponsored by Advanced Life Sciences, for the proposed indication of outpatient treatment of adults with mild to moderate community-acquired pneumonia.

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 May 18, 2009. Oral presentations from the public will be scheduled between approximately 11:30 a.m. and 12:30 p.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 May 8, 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 May 11, 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 Janie Kim 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: March 3, 2009.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E9–5288 Filed 3–11–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0664]

Ophthalmic Devices Panel of the Medical Devices 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: Ophthalmic Devices Panel of the Medical Devices 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 27, 2009, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC North/Gaithersburg, Salons A, B, and C, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: James Swink, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 240–276–4050, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512396. 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: The committee will discuss, make recommendations, and vote on a premarket approval application, sponsored by VisionCare Technologies, Inc., for an implantable miniature telescope (IMT™). The IMT™ is indicated for monocular implant in patients greater than 65 years of age with stable moderate to profound central vision impairment, i.e., distance BCVA of 20/80 to 20/800, due to bilateral central scotomas associated with end-stage macular degeneration, defined as retinal findings of geographic atrophy or disciform scar, with foveal involvement as determined by fluorescein angiography and evidence of cataract.

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 20, 2009. Oral presentations from the public will be scheduled between approximately 9:30 a.m. and 10 a.m., and between approximately 3:30 p.m. and 4 p.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 18, 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 19, 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 AnnMarie Williams, Conference Management staff, at 240–276–8932, 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: March 3, 2009.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E9–5303 Filed 3–11–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, e-mail *paperwork@hrsa.gov* or call the HRSA Reports Clearance Officer on (301) 443–1129.

Comments are invited on: (a) The proposed collection of information for the proper performance of the functions of the agency; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: The Health Professions Student Loan (HPSL) and Nursing Student Loan (NSL) Programs: Forms (OMB No. 0915–0044): Extension

The HPSL Program provides long-term, low-interest loans to students attending schools of medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, podiatric medicine, and pharmacy. The NSL Program provides long-term, low-interest loans to students who attend eligible schools of nursing in programs leading to a diploma in nursing, and an associate degree, a baccalaureate degree, or a graduate degree in nursing. Participating HPSL and NSL schools are responsible for determining eligibility of applicants, making loans, and collecting monies owed by borrowers on their outstanding loans. The deferment form (HRSA Form 519) provides the schools with documentation of a borrower's eligibility for deferment. The Annual Operating Report (AOR–HRSA Form 501) provides the Federal Government with information from participating and non-participating schools (schools that are no longer granting loans but are required to report and maintain program records, student records, and repayment records until all student loans are repaid in full and all monies due the Federal Government are returned) relating to HPSL and NSL program operations and financial activities.

The estimate of burden is as follows:

Form	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Deferment HRSA–519	2,011	1	2,011	0.166	334
AOR–HRSA–501	907	1	907	4	3,628
Total	2,918		2,918		3,962

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to the desk officer for HRSA, either by e-mail to *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974. Please direct all correspondence to the ''attention of the desk officer for HRSA.''

Dated: March 5, 2009.

Alexandra Huttinger,

Director, Division of Policy Review and Coordination.

[FR Doc. E9–5292 Filed 3–11–09; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; 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: Center for Scientific Review Special Emphasis Panel. Genes, Genetics, Genomics.

Date: March 23–24, 2009.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Mary P. McCormick, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2208, MSC 7890, Bethesda, MD 20892. 301/435–1047. *mccormim@csr.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.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Population and Behavioral Studies in HIV/AIDS.

Date: March 26–27, 2009.

Time: 12 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shiv A. Prasad, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892. 301–443–5779. *prasads@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Mechanisms of Exercise Effects.

Date: March 26, 2009.

Time: 12 p.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Maribeth Champoux, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7848, Bethesda, MD 20892. 301–594–3163. *champoum@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 3 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–4991 Filed 3–11–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences, Special Emphasis Panel Sites and Mechanisms of Inhaled Anesthetic Actions.

Date: March 27, 2009.

Time: 11 a.m. to 3:30 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: Carole H. Latker, PhD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN–18, Bethesda, MD 20892, (301) 594–2848, *latkerc@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 9388, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: March 3, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–4989 Filed 3–11–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed 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 F32 Review.

Date: March 19, 2009.

Time: 2:30 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Atul Sahai, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–2242, *sahaia@niddk.nih.gov.*

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. 93.847, 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: March 5, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–5314 Filed 3–11–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Unsolicited P01 Application.

Date: March 31, 2009.

Time: 9 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Eleazar Cohen, PhD, Scientific Review Officer, Division of Extramural Activities, NIAID/NIH/DHHS, 6700B Rockledge Drive, Room 3129, Bethesda, MD 20892, 301–435–3564, *ec17w@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: March 5, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–5316 Filed 3–11–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Sexual Dysfunction and LUTS Ancillary Studies.

Date: March 31, 2009.

Time: 3:30 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: Lakshmanan Sankaran, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892–5452. (301) 594–7799. *ls38z@nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; An Integrative Approach to Obesity Pathogenesis (P01).

Date: April 8, 2009.

Time: 1 p.m. to 4 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: Paul A. Rushing, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452. (301) 594–8895. *rushingp@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: March 5, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–5317 Filed 3–11–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2009–0116]

Information Collection Request to Office of Management and Budget; OMB Control Numbers: 1625–0033 and 1625–0039

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit Information Collection Requests (ICRs) and Analyses to the Office of Management and Budget (OMB) requesting an extension of its approval for the following collections of information: (1) 1625–0033, Display of Fire Control Plans for Vessels; and (2) 1625–0039, Declaration of Inspection Before Transfer of Liquid Cargo in Bulk. Before submitting these ICRs to OMB, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or May 11, 2009.

ADDRESSES: To avoid duplicate submissions to the docket [USCG–2009–0116], please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

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

(3) *Hand Deliver:* 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.

(4) *Fax:* 202–493–2251.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from Commandant (CG–611), U.S. Coast Guard Headquarters, (Attn: Mr. Arthur Requina), 2100 2nd Street, SW., Washington, DC 20593–0001. The telephone number is 202–475–3523.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Requina, Office of Information Management, telephone 202–475–3523, or fax 202–475–3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

The Coast Guard invites comments on whether these ICRs should be granted based on the collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of information subject to the collections; and (4) ways to minimize the burden of the collections on respondents, including the use of automated collection techniques or other forms of information technology.

We encourage you to respond to this request by submitting comments and related materials. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use its DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments: If you submit a comment, please include the docket number [USCG–2009–0116], indicate the specific section of the document to which each comment applies, providing a reason for each comment. We recommend you include your name, mailing address, an e-mail address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. If you submit them by mail or 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, selfaddressed postcard or envelope. We will consider all comments and material received during the comment period. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing Comments and Documents: Go to *http://www.regulations.gov* to view documents mentioned in this Notice as being available in the docket. Enter the docket number for this Notice [USCG–2009–0116] in the Search box, and click ''Go >>.'' You may also visit the DMF in room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Information Collection Request

1. *Title:* Display of Fire Control Plans for Vessels.

OMB Control Number: 1625–0033.

Summary: This information collection is for the posting or display of specific plans on certain categories of commercial vessels. The availability of these plans aid firefighters and damage control efforts in responding to emergencies.

Need: Under 46 U.S.C. 3305 and 3306, the Coast Guard is responsible for ensuring the safety of inspected vessels and has promulgated regulations in 46 CFR parts 35, 78, 97, 109, 131, 169, and 196 to ensure safety standards are met.

Forms: None.

Respondents: Owners and operators of vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden has decreased from 859 hours to 514 hours a year.

2. *Title:* Declaration of Inspection Before Transfer of Liquid Cargo in Bulk.

OMB Control Number: 1625–0039.

Summary: A Declaration of Inspection (DOI) documents the transfer of oil and hazardous materials to help prevent spills and damage to a facility or vessel. Persons-in-charge of the transfer operations must review and certify compliance with procedures specified by the terms of the DOI.

Need: Title 33 U.S.C. 1321(j) authorizes the Coast Guard to establish regulations to prevent the discharge of oil and hazardous material from vessels and facilities. The DOI regulations appear at 33 CFR 156.150 and 46 CFR 35.35–30.

Forms: None.

Respondents: Persons-in-charge of transfers.

Frequency: On occasion.

Burden Estimate: The estimated burden has decreased from 68,534 hours to 67,825 hours a year.

Dated: March 2, 2009.

D.T. Glenn,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. E9–5373 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2009–0086]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0071

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) and Analysis to the Office of Management and Budget (OMB) requesting an extension of its approval for the following collection of information: 1625–0071, Boat Owner's Report—Possible Safety Defect. Before submitting this ICR to OMB, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before May 11, 2009.

ADDRESSES: To avoid duplicate submissions to the docket [USCG–2009–0086], please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

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

(3) *Hand deliver:* 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.

(4) *Fax:* 202–493–2251.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of this docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://www.regulations.gov.*

A copy of the complete ICR is available through this docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from Commandant (CG–611), U.S. Coast Guard Headquarters, (Attn: Mr. Arthur Requina), 2100 2nd Street, SW., Washington, DC 20593–0001. The telephone number is 202–475–3523.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Requina, Office of Information Management, telephone 202–475–3523, or fax 202–475–3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

The Coast Guard invites comments on whether this ICR should be granted based on it being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of information subject to the collections; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology.

We encourage you to respond to this request by submitting comments and related materials. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use its DMF. Please see the ''Privacy Act'' paragraph below.

Submitting comments: If you submit a comment, please include the docket number [USCG–2009–0086], indicate the specific section of the document to which each comment applies, providing a reason for each comment. We recommend you include your name, mailing address, an e-mail address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. If you submit them by mail or 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 will address them accordingly. In response to your comments, we may revise the ICR or decide not to seek an extension of approval for this collection.

Viewing comments and documents: Go to *http://www.regulations.gov* to view documents mentioned in this notice as being available in the docket. Enter the docket number for this notice [USCG–2009–0086] in the Search box, and click ''Go >>.'' You may also visit the DMF in room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Information Collection Request

Title: Boat Owner's Report—Possible Safety Defect.

OMB Control Number: 1625–0071.

Summary: The collection of information provides a means for consumers who believe their recreational boats or designated associated equipment contain substantial risk defects or fail to comply with Federal safety standards to report deficiencies to the Coast Guard for investigation and possible remedy.

Need: Title 46 U.S.C. 4310 gives the Coast Guard authority to require manufacturers of recreational boats and certain items of designated associated equipment to notify owners and remedy: (1) Defects which create a substantial risk of personal injury to the public; and (2) failures to comply with applicable Federal safety standards. Implementing regulations are found at 33 CFR part 179.

Forms: CG–5578.

Respondents: Owners and users of recreational boats and items of designated associated equipment.

Frequency: One time.

Burden Estimate: The estimated annual burden has increased from 13.2 hours to 17.8 per year.

Dated: March 2, 2009.

D.T. Glenn,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. E9–5379 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2009–0115]

Information Collection Request to Office of Management and Budget; OMB Control Numbers: 1625–0009, 1625–0047, 1625–0063, 1625–0070, and 1625–0084

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit Information Collection Requests (ICRs) and Analyses to the Office of Management and Budget (OMB) requesting an extension of its approval for the following collections of information: (1) 1625–0009, Oil Record Book for Ships; (2) 1625–0047, Plan Review and Records for Vital System Automation; (3) 1625–0063, Marine Occupational Health and Safety Standards for Benzene—46 CFR 197 Subpart C; (4) 1625–0070, Vessel Identification System; and (5) 1625–0084, Audit Reports under the International Safety Management Code. Before submitting these ICRs to OMB, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before May 11, 2009.

ADDRESSES: To avoid duplicate submissions to the docket [USCG–2009–0115], please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

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

(3) *Hand deliver:* 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.

(4) *Fax:* 202–493–2251.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from Commandant (CG–611), U.S. Coast Guard Headquarters, (Attn: Mr. Arthur Requina), 2100 2nd Street SW., Washington, DC 20593–0001. The telephone number is 202–475–3523.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Requina, Office of Information Management, telephone 202–475–3523, or fax 202–475–3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

The Coast Guard invites comments on whether these ICRs should be granted based on the collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of information subject to the collections; and (4) ways to minimize the burden of the collections on respondents, including the use of automated collection techniques or other forms of information technology.

We encourage you to respond to this request by submitting comments and related materials. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use its DMF. Please see the ''Privacy Act'' paragraph below.

Submitting comments: If you submit a comment, please include the docket number [USCG–2009–0115], indicate the specific section of the document to which each comment applies, providing a reason for each comment. We recommend you include your name, mailing address, an e-mail address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. If you submit them by mail or 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. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing comments and documents: Go to *http://www.regulations.gov* to view documents mentioned in this Notice as being available in the docket. Enter the docket number for this Notice [USCG–2009–0115] in the Search box, and click ''Go >>.'' You may also visit the DMF in room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Information Collection Request

1. *Title:* Oil Record Book for Ships.

OMB Control Number: 1625–0009.

Summary: The Act to Prevent Pollution from Ships (APPS) and the

International Convention for Prevention of Pollution from Ships, 1973, as modified by the 1978 Protocol relating thereto (MARPOL 73/78), requires information about oil cargo or fuel operations be entered into an Oil Record Book (CG–4602A). The requirement is contained in 33 CFR 151.25.

Need: This information is used to verify sightings regarding actual violations of the APPS to determine the level of compliance with MARPOL 73/78 and as a means of reinforcing the discharge provisions.

Forms: CG–4602A.

Respondents: Operators of vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden has decreased from 26,993 hours to 19,425 hours a year.

2. *Title:* Plan Review and Records for Vital System Automation.

OMB Control Number: 1625–0047.

Summary: This collection pertains to the vital system automation on commercial vessels necessary to protecting personnel and property on board U.S.-flag vessels.

Need: Title 46 U.S.C. 3306 authorizes the Coast Guard to promulgate regulations for the safety of personnel and property onboard vessels. Title 46 CFR parts 52, 56, 58, 62, 110, 111, and 113 contain these regulations.

Forms: None.

Respondents: Designers, manufacturers, and owners of vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden has decreased from 65,400 hours to 60,000 hours a year.

3. *Title:* Marine Occupational Health and Safety Standards for Benzene—46 CFR part 197 subpart C.

OMB Control Number: 1625–0063.

Summary: To protect marine workers from exposure to toxic Benzene vapor, the Coast Guard implemented Title 46 CFR part 197 subpart C.

Need: This information collection is vital to verifying compliance.

Forms: None.

Respondents: Owners and operators of vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden remains 59,766 hours a year.

4. *Title:* Vessel Identification System.

OMB Control Number: 1625–0070.

Summary: The Coast Guard established a nationwide Vessel Identification System (VIS) and centralized certain vessel documentation functions. It provides participating States and Territories with access to data/numbering of vessels. Participation in VIS is voluntary.

Need: Title 46 U.S.C. 12501 mandates the establishment of a VIS. Title 33 CFR part 187 prescribe the requirements.

Forms: None.

Respondents: Governments of States and Territories.

Frequency: Daily.

Burden Estimate: The estimated burden has decreased from 5,829 hours to 5,456 hours a year.

5. *Title:* Audit Reports under the International Safety Management Code (ISM).

OMB Control Number: 1625–0084.

Summary: This information helps to determine whether U.S. vessels, subject to SOLAS 74, engaged in international trade, are in compliance with that treaty. Organizations recognized by the Coast Guard conduct ongoing audits of vessels' and companies' safety management systems.

Need: Title 46 U.S.C. 3203 authorizes the Coast Guard to prescribe regulations regarding safety management systems. Title 33 CFR part 96 contains the rules for those systems; hence the safe operation of vessels.

Forms: None.

Respondents: Owners and operators of vessels, and organizations authorized to issue ISM Code certificates for the United States.

Frequency: On occasion.

Burden Estimate: The estimated burden has increased from 12,676 hours to 16,873 hours a year.

Dated: March 2, 2009.

D.T. Glenn,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. E9–5380 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–R–2009–N0034; 81640–1265–0000–S3]

Farallon National Wildlife Refuge, San Francisco County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of draft comprehensive conservation plan and environmental assessment for Farallon National Wildlife Refuge; reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service, published a notice in the **Federal Register** on December 22, 2008, announcing the availability of the draft comprehensive conservation plan and environmental assessment for Farallon National Wildlife Refuge, and opening a comment period ending February 20, 2009. With this notice, we announce our decision to reopen the comment period until April 13, 2009.

DATES: We must receive your comments on or before April 13, 2009.

ADDRESSES: For information on obtaining documents and submitting comments, see ''Public Review and Comment'' under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Winnie Chan, Refuge Planner, San Francisco Bay National Wildlife Refuge Complex, (510) 792–0222 or *sfbaynwrc@fws.gov.*

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Administration Act of 1966, as amended by the Refuge Improvement Act of 1997 (16 U.S.C. 668dd *et seq.*), requires each refuge to develop and implement a CCP. We published a notice in the **Federal Register** on December 22, 2008 (73 FR 78386), announcing the availability of the Draft Revised comprehensive conservation plan and environmental assessment for Farallon National Wildlife Refuge. The document identified a review period ending on February 20, 2009. Subsequent to the release of the draft CCP, we have received several requests to extend the comment period. With this notice, we announce our decision to reopen the comment period until April 13, 2009, to ensure the public has sufficient time to review the document.

To provide written comments or to request a paper copy or compact disc of the Draft CCP/EA, contact Winnie Chan, Refuge Planner, by U.S. mail at San Francisco Bay National Wildlife Refuge Complex, 9500 Thornton Avenue, Newark, CA 94560; by e-mail at *sfbaynwrc@fws.gov;* or by phone at (510) 792–0222. You may view or download a copy of the Draft CCP/EA at *http://www.fws.gov/cno/refuges/farallon/.* Copies of the Draft CCP/EA may be viewed at the San Francisco Bay National Wildlife Refuge Complex, 1 Marshlands Road, Fremont, CA 94536; the San Francisco Public Library, Federal Documents, 100 Larkin Street, San Francisco, CA 94102; or the California/Nevada Refuge Planning Office, 2800 Cottage Way, W–1832, Sacramento, CA 95825.

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: March 6, 2009.

Ren Lohoefener,

Regional Director, Pacific Southwest Region, Sacramento, California.

[FR Doc. E9–5392 Filed 3–11–09; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY–957400–09–L14200000–BJ0000]

Notice of Filing of Plats of Survey, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plats of survey, Wyoming.

SUMMARY: The Bureau of Land Management (BLM) has filed the plats of survey of the lands described below in the BLM Wyoming State Office, Cheyenne, Wyoming, on the dates indicated.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, Wyoming 82003.

SUPPLEMENTARY INFORMATION: These surveys were executed at the request of the Bureau of Land Management, and are necessary for the management of resources. The lands surveyed are:

The supplemental plat showing the corrected lottings and acreages, and the omitted lottings and acreages is based on the plats accepted October 31, 2007, Township 33 North, Range 109 West, of the Sixth Principal Meridian, Wyoming, was accepted January 15, 2009.

The supplemental plat showing updated lottings in sections 11 and 14, Township 14 North, Range 87 West, Sixth Principal Meridian, Wyoming, was accepted January 15, 2009, and is based on the plat of the independent resurvey approved June 17, 1922, and the plat of Mineral Survey No. 543 approved August 4, 1925.

The plat and field notes representing the dependent resurvey of a portion of the west boundary, and the subdivisional lines, Township 22 North, Range 94 West, Sixth Principal Meridian, Wyoming, Group No. 782, was accepted January 15, 2009.

The plat representing the entire record of the location and remonumentation of certain corners, Township 12 North, Range 68 West, Sixth Principal Meridian, Wyoming, Group No. 540, was accepted January 15, 2009.

The plat representing the entire record of the location and remonumentation of certain corners, Township 12 North, Range 69 West, Sixth Principal Meridian, Wyoming, Group No. 540, was accepted January 15, 2009.

The plat and field notes representing the dependent resurvey of a portion of the west boundary, a portion of the subdivisional lines, and the subdivision of section 7, Township 26 North, Range 81 West, of the Sixth Principal Meridian, Wyoming, Group No. 743, was accepted February 25, 2009.

The plat and field notes representing the dependent resurvey of a portion of the subdivisional lines and the subdivision of section 20, Township 17 North, Range 85 West, Sixth Principal Meridian, Wyoming, Group No. 783, was accepted February 25, 2009.

The plat and field notes representing the dependent resurvey of a portion of the Third Standard Parallel North, through Range 60 West, a portion of the subdivisional lines, and the subdivision of section 4, Township 12 North, Range 60 West of the Sixth Principal Meridian, Wyoming, Group No. 784, was accepted February 25, 2009.

The plat and field notes representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of section 28, Township 13 North, Range 60 West, of the Sixth Principal Meridian, Wyoming, Group No. 785, was accepted February 25, 2009.

The plat and field notes representing the dependent resurvey of the Thirteenth Auxiliary Guide Meridian West, through Township 27 North, between Ranges 108 and 109 West, the south, east and north boundaries and the subdivisional lines, Township 27 North, Range 108 West, of the Sixth Principal Meridian in the State of Wyoming, Group No. 777, was accepted February 25, 2009.

The plat and field notes representing the dependent resurvey of portions of the east and north boundaries, and the subdivisional lines, Township 51 North, Range 78 West, of the Sixth Principal Meridian, Wyoming, Group No. 749, was accepted February 25, 2009.

Copies of the preceding described plats and field notes are available to the public at a cost of $1.10 per page.

Dated: March 06, 2009.

John P. Lee,

Chief Cadastral Surveyor, Division of Support Services.

[FR Doc. E9–5353 Filed 3–11–09; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY–957400–09–L14200000–BJ0000]

Notice of Filing of Plats of Survey, Nebraska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plats of survey, Nebraska.

SUMMARY: The Bureau of Land Management (BLM) is scheduled to file the plat of survey of the lands described below thirty (30) calendar days from the date of this publication in the BLM Wyoming State Office, Cheyenne, Wyoming.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, Wyoming 82003.

SUPPLEMENTARY INFORMATION: This survey was executed at the request of the National Park Service and is necessary for the management of these lands. The lands surveyed are:

The plat representing the entire record of the survey of Tract No. 37, Township 32 North, Range 3 East, of the Sixth Principal Meridian, Nebraska, was accepted March 6, 2009.

Copies of the preceding described plat are available to the public at a cost of $1.10 per page.

Dated: March 6, 2009.

John P. Lee,

Chief Cadastral Surveyor, Division of Support Services.

[FR Doc. E9–5354 Filed 3–11–09; 8:45 am]

BILLING CODE 4467–22–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items: County of Nacogdoches, Nacogdoches, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the possession of the County of Nacogdoches, Nacogdoches, TX, that meet the definition of ''unassociated funerary objects'' under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations

in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the cultural items. The National Park Service is not responsible for the determinations in this notice.

In 2004, an incised bowl and two chert drills were removed from a burial pit at archeological site 41NA231, also known as the Tallow Grove site, in the Lake Naconiche project area, Nacogdoches County, TX. The removal was associated with archeological data recovery in an area to be impacted by construction and/or operation of Lake Naconiche. No preserved human remains were in the burial pit.

The Tallow Grove site, 41NA231, is a Middle Caddo Period habitation on a late Holocene terrace near Naconiche Creek. The temporal context is supported by recovered temporally diagnostic artifacts, radiocarbon analyses, and oxidizable carbon ratio dates. The main occupation of the site took place between the early part of the 13th century and approximately A.D. 1480, and was preceded by an earlier Woodland Period occupation that dates from 110 B.C. to A.D. 435. None of the radiocarbon-dated features are earlier than the Middle Caddo Period. The small cemetery (approximately 8 x 6 meters), situated near the remnants of several structures, and an extensive midden deposit and outdoor work area, contained eight burials. Five burials had preserved human remains (two of these burials included associated funerary objects), two burial pits preserved neither human remains nor associated funerary objects, and one burial pit preserved no human remains, but did contain the unassociated funerary objects described above. The mortuary practices and types of associated and unassociated funerary objects are consistent with the traditions of the Caddo Indian peoples. Preserved funerary offerings included pottery vessels placed near the shoulders or head. Geographic placement of the site and archeological evidence provide a reasonable basis for the officials of the County of Nacogdoches to believe that the unassociated funerary objects are culturally affiliated with the Caddo Nation of Oklahoma.

Officials of the County of Nacogdoches have determined that, pursuant to 25 U.S.C. 3001 (3)(B), the three cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual. Officials of the County of Nacogdoches also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Caddo Nation of Oklahoma.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the unassociated funerary objects should contact George Campbell, County of Nacogdoches, 101 West Main Street, Nacogdoches, TX 75961, telephone (936) 569–6772, before April 13, 2009. Repatriation of the unassociated funerary objects to the Caddo Nation of Oklahoma may proceed after that date if no additional claimants come forward.

The County of Nacogdoches is responsible for notifying the Caddo Nation of Oklahoma that this notice has been published.

Dated: February 20, 2009

David Tarler,

Acting Manager, National NAGPRA Program.

[FR Doc. E9–5330 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items: U.S. Department of the Interior, National Park Service, Hawaii Volcanoes National Park, Hawaii National Park, HI

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the possession of the U.S. Department of the Interior, National Park Service, Hawaii Volcanoes National Park, Hawaii National Park, HI, that meet the definition of ''unassociated funerary objects'' under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the superintendent, Hawaii Volcanoes National Park.

In 1905, five funerary objects were removed from Forbes Cave in Hawaii County, HI, by David Forbes, William Wagner, and Frederich Haenisch. The whereabouts of the human remains that were in the cave is unknown. On March 14, 1956, the five items were donated to Hawaii National Park, now known as Hawaii Volcanoes National Park, by Forbes' daughter, Blodwin Forbes Edmondson. The five unassociated funerary objects are one carved wooden female image, one game board or table, one cutting tool made from a human clavicle, one gourd water bottle with shell stopper, and one wrist ornament made of rock oyster, and are Native Hawaiian in origin.

Claims based on cultural affiliation were received by Hawaii Volcanoes National Park from the Department of Hawaiian Homelands, Hawaii Island Burial Council, Hoohuli Ohana, Hooulu Lahui, Hui Malama I Na Kupuna O Hawai'i Nei, Ka Ohana Ayau, Keaweamahi Ohana, Kekumano Ohana, Laika-a-Mauia Ohana, Na Lei Alii Kawananakoa, Na Papa Kanaka O Pu'ukohola Heiau, Office of Hawaiian Affairs, Royal Hawaiian Academy of Traditional Arts, and Van Horn Diamond Ohana. Each qualifies as a Native Hawaiian organization under NAGPRA, pursuant to 25 U.S.C. 3001(11), and each is entitled to claim and receive the five unassociated funerary objects. Hawaii Volcanoes National Park is unable to determine which requesting party is the most appropriate claimant.

Officials of Hawaii Volcanoes National Park have determined that, pursuant to 25 U.S.C. 3001 (3)(B), the five cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual. Officials of Hawaii Volcanoes National Park also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Department of Hawaiian Homelands, Hawaii Island Burial Council, Hoohuli Ohana, Hooulu Lahui, Hui Malama I Na Kupuna O Hawai'i Nei, Ka Ohana Ayau, Keaweamahi Ohana, Kekumano Ohana, Laika-a-Mauia Ohana, Na Lei Alii Kawananakoa, Na Papa Kanaka O Pu'ukohola Heiau, Office of Hawaiian Affairs, Royal Hawaiian Academy of Traditional Arts, and Van Horn Diamond Ohana. Lastly, officials of Hawaii Volcanoes National Park have determined that, pursuant to 43 CFR 10.10 (c)(2), the park cannot determine by the preponderance of the evidence which requesting party is the most appropriate claimant and will retain the unassociated funerary objects until the Department of Hawaiian Homelands,

Hawaii Island Burial Council, Hoohuli Ohana, Hooulu Lahui, Hui Malama I Na Kupuna O Hawai'i Nei, Ka Ohana Ayau, Keaweamahi Ohana, Kekumano Ohana, Laika-a-Mauia Ohana, Na Lei Alii Kawananakoa, Na Papa Kanaka O Pu'ukohola Heiau, Office of Hawaiian Affairs, Royal Hawaiian Academy of Traditional Arts, and Van Horn Diamond Ohana mutually agree upon the appropriate recipient or the dispute is otherwise resolved pursuant to NAGPRA or as ordered by a court of competent jurisdiction.

Representatives of any other Native Hawaiian organization that believes itself to be culturally affiliated with the unassociated funerary objects should contact Cindy Orlando, superintendent, Hawaii Volcanoes National Park, Hawaii National Park, HI 96718, telephone (808) 985–6025, before April 13, 2009. Repatriation of the unassociated funerary objects to the Department of Hawaiian Homelands, Hawaii Island Burial Council, Hoohuli Ohana, Hooulu Lahui, Hui Malama I Na Kupuna O Hawai'i Nei, Ka Ohana Ayau, Keaweamahi Ohana, Kekumano Ohana, Laika-a-Mauia Ohana, Na Lei Alii Kawananakoa, Na Papa Kanaka O Pu'ukohola Heiau, Office of Hawaiian Affairs, Royal Hawaiian Academy of Traditional Arts, and Van Horn Diamond Ohana may proceed after that date when the affiliated Native Hawaiian organizations have mutually agreed upon a resolution.

Hawaii Volcanoes National Park is responsible for notifying the Department of Hawaiian Homelands, Hawaii Island Burial Council, Hoohuli Ohana, Hooulu Lahui, Hui Malama I Na Kupuna O Hawai'i Nei, Ka Ohana Ayau, Keaweamahi Ohana, Kekumano Ohana, Laika-a-Mauia Ohana, Na Lei Alii Kawananakoa, Na Papa Kanaka O Pu'ukohola Heiau, Office of Hawaiian Affairs, Royal Hawaiian Academy of Traditional Arts, and Van Horn Diamond Ohana that this notice has been published.

Dated: January 29, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–5331 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items: San Diego Museum of Man, San Diego, CA; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the possession of the San Diego Museum of Man, San Diego, CA, that meet the definition of ''unassociated funerary objects'' or ''object of cultural patrimony'' under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

This notice corrects a Notice of Intent to Repatriate Cultural Items published in the **Federal Register** (73 FR 59653, October 9, 2008), which described 28 cultural items (26 unassociated funerary objects and 2 objects of cultural patrimony) that were culturally affiliated to the Tohono O'odham Nation of Arizona. Since publication, the Gila River Indian Community of the Gila River Indian Reservation, Arizona, has claimed one Wihosa mask, an object of cultural patrimony, used in the Navichu ceremony from Komatke, AZ. This object of cultural patrimony is described in a separate notice.

The notice published in the **Federal Register** (73 FR 59653, October 9, 2008) is replaced with the following:

The cultural items are 26 unassociated funerary objects and 1 object of cultural patrimony.

In 1959, cultural items were removed by M.J. Rogers from an abandoned Papago Village approximately four miles west of Covered Wells, Pima County, AZ, on the south side of Highway 86. The 26 unassociated funerary objects are 24 pottery sherds, 1 cockle shell fragment, and 1 metavolcanic stone (possibly rhyolite) scraper.

The 24 pottery sherds are reasonably believed to have been placed as part of a pottery sacrifice on graves covered with boulders. Based on consultation with a tribal representative of the Tohono O'odham Nation of Arizona, the cockle shell frament and metavolcanic stone scraper are also reasonably believed to be unassociated funerary objects.

In 1976, one medicine bundle container (dated to circa 1930) was acquired from Mrs. Martinez of Havanna Naka (Crow Hang) Village on what was called the Papago Reservation. The medicine bundle belonged to Mrs. Martinez' husband, a local medicine man.

Based on consultation with a tribal representative of the Tohono O'odham Nation of Arizona, the officials of the San Diego Museum of Man have reasonably determined that the one cultural item is an object of cultural patrimony used in important ceremonies of the O'odham people and could not have been alienated by a single individual.

Recorded information from museum records about the unassociated funerary objects and object of cultural patrimony states that all the items were located on traditional Papago (Tohono O'odham) land. Descendants of the O'odham people are members of the Tohono O'odham Nation of Arizona.

Officials of the San Diego Museum of Man have determined that, pursuant to 25 U.S.C. 3001 (3)(B), the 26 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual. Officials of the San Diego Museum of Man also have determined that, pursuant to 25 U.S.C. 3001 (3)(D), the one cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual. Lastly, officials of the San Diego Museum of Man have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and object of cultural patrimony and the Tohono O'odham Nation of Arizona.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the unassociated funerary objects and object of cultural patrimony should contact Philip Hoog, Archaeology and NAGPRA Coordinator, San Diego Museum of Man, 1350 El Prado, Balboa Park, San Diego, CA 92101, telephone (619) 239–2001, before April 13, 2009. Repatriation of the unassociated funerary objects and object of cultural patrimony to the Tohono O'odham Nation of Arizona may proceed after that date if no additional claimants come forward.

The San Diego Museum of Man is responsible for notifying the Gila River Indian Community of the Gila River Indian Reservation, Arizona and Tohono O'odham Nation of Arizona that this notice has been published.

Dated: February 12, 2009

Sangita Chari,

Acting Manager, National NAGPRA Program.

[FR Doc. E9–5312 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: U.S. Department of Agriculture, Forest Service, Coronado National Forest, Tucson, AZ and Arizona State Museum, University of Arizona, Tucson, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the control of the U.S. Department of Agriculture, Forest Service, Coronado National Forest, Tucson, AZ, and in the possession of the Arizona State Museum, University of Arizona, Tucson, AZ. The human remains and associated funerary objects were removed from Pima County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Arizona State Museum professional staff in consultation with representatives of the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and Tohono O'odham Nation of Arizona.

In 1983, human remains representing a minimum of 20 individuals were removed from the Pima Canyon Site, Pima County, AZ, during legally authorized excavations by the Coronado National Forest. The human remains have remained in the possession of the Arizona State Museum since their excavation. No known individuals were identified. The 229 associated funerary objects are pottery sherds, chipped stone tools and flakes. The associated funerary objects have remained in the possession of the Coronado National Forest since their excavation.

Based on material culture and site components, the Pima Canyon Site is a multi-component site with multiple occupations from the Archaic Period (approximately 2,000 years ago) through the early and middle Hohokam Periods (approximately A.D. 500–1150) to the Historic Period (approximately A.D. 1700 to early 1900s). Because the human remains are Native American and because they are most likely from the Historic Period, the human remains from this site are most likely to be of O'odham ancestry. The oral traditions of the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and Tohono O'odham Nation of Arizona, support the cultural affiliation of these four Indian tribes with historic O'odham sites in this area of southeastern Arizona.

Officials of the Arizona State Museum, University of Arizona and the U.S. Department of Agriculture, Forest Service, Coronado National Forest have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of 20 individuals of Native American ancestry. Officials of the U.S. Department of Agriculture, Forest Service, Coronado National Forest have also determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 229 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the U.S. Department of Agriculture have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and Tohono O'odham Nation of Arizona.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and/or associated funerary objects should contact Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, USDA Forest Service, 333 Broadway Blvd., SE, Albuquerque, NM 87102, telephone (505) 842–3238, before April 13, 2009. Repatriation of the human remains and associated funerary objects to the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and Tohono O'odham Nation of Arizona may proceed after that date if no additional claimants come forward.

The U.S. Department of Agriculture, Forest Service, Coronado National Forest is responsible for notifying the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and Tohono O'odham Nation of Arizona that this notice has been published.

Dated: February 20, 2009

David Tarler,

Acting Manager, National NAGPRA Program.

[FR Doc. E9–5310 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Museum of Peoples and Cultures, Brigham Young University, Provo, UT

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of the Museum of Peoples and Cultures, Brigham Young University, Provo, UT. The human remains and associated funerary objects were removed from Utah County, UT.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains and associated funerary objects was made by the Brigham Young

University, Museum of Peoples and Cultures professional staff in consultation with representatives of the Ute Indian Tribe of the Uintah & Ouray Reservation, Utah and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah.

In 1931, human remains representing a minimum of two individuals were removed from site 42UT134, American Fork Canyon, Utah County, UT, by two mineral prospectors, Mr. Strausburg and Mr. Healy. In 1967, Mr. Strausburg and Mr. Healy donated the human remains to the Museum of Peoples and Cultures (Catalog Nos. 1967.70.31.1–3 and 1967.70.33.1; and No. 1967.73.1). No known individuals were identified. The 256 associated funerary objects are 2 tin powder canisters, 1 cartridge, 33 lead musket balls, 4 stirrups, 2 bits, 2 copper bars, 1 iron clapper, 1 flint striker, 2 iron rings, 1 percussion cap, 1 iron sword hilt, 1 clay pipe, 166 beads, 1 pendant, 1 tin spoon, 2 leather strips, 1 rope, 1 horn fragment, 1 piece of worked bone, and 32 glass beads

Site 42UT143 is located on the north side of American Fork Canyon, about 1/2 mile east of the mouth of the canyon. The site consists of a single burial mound that contained both individuals and associated funerary objects. The associated funerary objects date the burial to circa A.D. 1860–1870.

At an unknown time prior to 1967, human remains representing three individuals were removed from site 42UT225, Water Canyon, east of Salem, Utah County, UT, by unknown persons. The human remains were donated to the Museum of Peoples and Cultures in 1967 by unknown individuals (Catalog No. 1967.66.1, 1967.66.2, and 1967.66.4). No known individuals were identified. The 183 associated funerary objects are 35 faunal bones, approximately 10 leather strips, 4 pistol parts, 1 iron lock plate, 4 rifle parts, 1 brass gun cap box, 6 glass buttons, 2 brass buttons, 1 brass bracelet, 1 copper bell, 2 rifle barrels, 1 leather belt fragment, 1 group of wood and bone fragments, 2 leather shoes, 3 groups of leather fragments covered in red ochre, 1 group of leather fragments, 1 leather knife sheath, 1 rusted metal bayonet, 1 axe blade, 1 metal belt buckle, 1 metal cylinder, 1 piece of a rifle hand guard, 2 straight-blade knives, 3 metal rings, 1 small metal buckle, 11 metal projectile points, 2 metal cylinders (part of a rifle), 1 metal spoon, 1 pair of metal scissors, 4 metal canister parts (possibly a powder flask), 1 leather knife case, 1 antler piece, 60 musket balls of varying sizes, 10 metal scraps, 1 wood fragment, and 4 wood and metal fragments (possibly parts of pocket knives).

Site 42UT225 is located about 500 feet from the mouth of Water Canyon, at the foot of a rock slide. The associated funerary objects date the burials to circa A.D. 1860–1870.

Consultation with representatives of the Ute Indian Tribe of the Uintah & Ouray Reservation, Utah and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah indicate that the types of associated funerary objects and manner of burial were consistent with Ute practices dating to the mid- to late-1800s. The location of the burials and associated funerary objects are also within historic Ute territory.

Officials of the Brigham Young University, Museum of Peoples and Cultures have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of a minimum of five individuals of Native American ancestry. Officials of the Brigham Young University, Museum of Peoples and Cultures also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 439 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Brigham Young University, Museum of Peoples and Cultures have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Ute Indian Tribe of the Uintah & Ouray Reservation, Utah and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Paul Stavast, Museum of Peoples and Cultures, Brigham Young University, 105 Allen Hall, Provo, UT 84602–3600, telephone (801) 422–0018, before April 13, 2009. Repatriation of the human remains and associated funerary objects to the Ute Indian Tribe of the Uintah & Ouray Reservation, Utah and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah may proceed after that date if no additional claimants come forward.

The Brigham Young University, Museum of Peoples and Cultures is responsible for notifying the Ute Indian Tribe of the Uintah & Ouray Reservation, Utah and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah that this notice has been published.

Dated: February 13, 2009

Sangita Chari,

Acting Manager, National NAGPRA Program.

[FR Doc. E9–5334 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects from Pima, Santa Cruz and Cochise Counties in the Control of the Coronado National Forest, United States Forest Service, Tucson, AZ; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the control of the U.S. Department of Agriculture, Forest Service, Coronado National Forest, Tucson, AZ, and in the possession of the Arizona State Museum, University of Arizona, Tucson, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the number of sites where Native American human remains and associated funerary objects were removed, increases the minimum number of Native American individuals and associated funerary objects from those sites, and also amends the determination of shared group relationships in a Notice of Inventory Completion published in the **Federal Register** (63 FR 49025–49026, September 18, 1997). Since publication of the notice, Native American human remains and associated funerary objects were found to be removed during the ANAMAX-Rosemont Project from an additional site, and an additional 118 Native American individuals and 1,213 associated funerary objects were discovered in the Arizona State Museum collections.

The notice published in the **Federal Register** (63 FR 49025–49026, September 18, 1997) is corrected by substituting paragraphs 7–9 with the following:

Between 1979 and 1980, human remains representing 193 individuals were recovered from 11 prehistoric sites within the ANAMAX-Rosemont Project in the Santa Rita Mountains, Coronado National Forest, Pima County, AZ, during legally authorized excavations by the Arizona State Museum, University of Arizona. No known individuals were identified. The 1,318 associated funerary objects include ceramic bowls and jars; pottery sherds; shell, bone and turquoise ornaments; bone and stone tools; projectile point and groundstone.

Based on architecture, material culture and site organization, the 11 sites within the ANAMAX-Rosemont Project have been identified as Pre-Classic Hohokam village occupations dating between A.D. 450 and 1150. Continuities of ethnographic materials, technology and architecture indicate the affiliation of Hohokam sites in the area of the ANAMAX-Rosemont Project with present-day O'odham cultures. The oral traditions of the Ak-Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and Tohono O'odham Nation, Arizona, support the cultural affiliation of these four Indian tribes with Hohokam sites in this area of southeastern Arizona. The oral traditions of the Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico indicate some cultural ties or relationships to certain portions of southeastern Arizona in the late Post-Classic Period (A.D. 1300–1450). While the Hopi Tribe and Zuni Tribe have cultural ties to certain portions of southeastern Arizona in the late Pre-Classic Period, the Ak-Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and Tohono O'odham Nation, Arizona have a closer cultural relationship and affiliation with these Pre-Classic Period sites within the ANAMAX-Rosemont Project.

Officials of the U.S. Department of Agriculture, Forest Service, Coronado National Forest have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of 193 individuals of Native American ancestry. Officials of the Officials of the U.S. Department of Agriculture, Forest Service, Coronado National Forest also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 1,318 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Officials of the U.S. Department of Agriculture, Forest Service, Coronado National Forest have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Ak-Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arziona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation, Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, USDA Forest Service, 333 Broadway Blvd., SE, Albuquerque, NM 87102, telephone (505) 842–3238, before April 13, 2009. Repatriation of the human remains and associated funerary objects to the Ak-Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico may proceed after that date if no additional claimants come forward.

The U.S. Department of Agriculture, Forest Service, Coronado National Forest is responsible for notifying the Ak-Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: February 4, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–5336 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA. The human remains were removed from Columbia County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the list of culturally affiliated groups listed in a Notice of Inventory Completion published in the **Federal Register** (66 FR 17736, April 3, 2001). Information derived from recent consultations has resulted in the addition of the Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; and Wanapum Band, a non-Federally recognized Indian group, to the culturally affiliated list.

The notice published in the **Federal Register** (66 FR 17736, April 3, 2001) is replaced with the following:

A detailed assessment of the human remains was made by Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of the Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho; Confederated Tribes of the Colville Reservation, Washington; Nez Perce Tribe, Idaho; Spokane Tribe of the

Spokane Reservation, Washington; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; and Wanapum Band, a non-Federally recognized Indian group,

In 1871, human remains representing one individual were collected from the banks of the Snake River at the mouth of Tucannon, near Fort Taylor, Columbia County, WA, by C.R. Greenleaf. In 1872, Mr. Greenleaf gifted these human remains to the Peabody Museum of Archaeology and Ethnology. No known individual was identified. No associated funerary objects are present.

Museum documentation identifies this individual as a ''Palouse Indian.'' The attribution of such a specific cultural affiliation to the human remains indicates that the interment post-dates sustained contact between indigenous groups and Europeans beginning in the early 19th century. The human remains were from an area commonly considered to be traditional Palouse territory during this period. Oral traditions and historic evidence indicate that although some Palouse people occupied their traditional territory until the mid–1900s, many Palouse people went to live on neighboring reservations beginning in the late 19th century, where they continue to maintain their group identity as Palouse people. Based on consultation with the Indian Tribes listed above, the present-day tribes representing the Palouse people are the Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho; Confederated Tribes of the Colville Reservation, Washington; Nez Perce Tribe, Idaho; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; and Wanapum Band, a non-Federally recognized Indian group.

Officials of the Peabody Museum of Archaeology and Ethnology, Harvard University have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology, Harvard University also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho; Confederated Tribes of the Colville Reservation, Washington; Nez Perce Tribe, Idaho; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; and Wanapum Band, a non-Federally recognized Indian group.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Patricia Capone, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 496–3702, before April 13, 2009. Repatriation of the human remains to the Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho; Confederated Tribes of the Colville Reservation, Washington; Nez Perce Tribe, Idaho; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; and Wanapum Band, a non-Federally recognized Indian group, may proceed after that date if no additional claimants come forward.

The Peabody Museum of Archaeology and Ethnology, Harvard University is responsible for notifying the Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho; Confederated Tribes of the Colville Reservation, Washington; Nez Perce Tribe, Idaho; Spokane Tribe of the Spokane Reservation, Washington; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; and Wanapum Band, a non-Federally recognized Indian group, that this notice has been published.

Dated: February 13, 2009

Sangita Chari,

Acting Manager, National NAGPRA Program.

[FR Doc. E9–5333 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: U.S. Department of the Interior, Utah State Office, Bureau of Land Management, Salt Lake City, UT and Utah Museum of Natural History, University of Utah, Salt Lake City, UT

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the control of the U.S. Department of the Interior, Utah State Office, Bureau of Land Management, Salt Lake City, UT, and in the possession of the Utah Museum of Natural History, University of Utah, Salt Lake City, UT. The human remains and associated funerary objects were removed from Tooele County, UT.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Utah Museum of Natural History, University of Utah, and Utah State Office, Bureau of Land Management professional staff in consultation with representatives of the Confederated Tribes of the Goshute Reservation, Nevada and Utah; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Ely Shoshone Tribe of Nevada; Hopi Tribe of Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Navajo Nation, Arizona, New Mexico & Utah; Northwestern Band of Shoshoni Nation of Utah (Washakie); Ohkay Owingeh, New Mexico; Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo

of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; San Juan Southern Paiute Tribe of Arizona; Shoshone Tribe of the Wind River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; Skull Valley Band of Goshute Indians of Utah; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Te-Moak Tribes of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band, Elko Band, South Fork Band and Wells Band); Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico.

At an unknown date, human remains representing a minimum of two individuals were removed from site 42TO23, referred to as the Ibapah Burials, in Tooele County, UT. No additional information is available regarding the excavation of the human remains or the circumstances under which they were accessioned into the Utah Museum of Natural History. No known individuals were identified. The 32 associated funerary objects are 3 animal bones, 1 wood item, 1 leather halter fragment, 1 log, 1 cedar post, 1 cloth, 1 fabric swatch, 1 cloth bundle, 20 buttons, 1 bottle of sclerotia, and a pair of glasses. The following 13 objects were also identified in museum records as being associated with the human remains, but the museum could not verify their current location: 1 lot of steel knives, 1 lot of buttons, 1 lot of mineral paint, 1 lot of beads, 1 butcher knife, 1 iron vessel, 1 log, 2 iron pan fragments, 1 rope, 1 ring, and 2 shoes.

The burials date to the Historic Period, but their sex and age are unknown. The human remains are affiliated with the Confederated Tribes of the Goshute Reservation, Nevada and Utah based on the osteological assessment, associated funerary objects, and the location of the discovery.

Officials of the Utah State Office, Bureau of Land Management have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of two individuals of Native American ancestry. Officials of the Utah State Office, Bureau of Land Management also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 32 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Utah State Office, Bureau of Land Management have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Confederated Tribes of the Goshute Reservation, Nevada and Utah.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Byron Loosle, Utah State NAGPRA Coordinator, BLM Utah State Office, PO Box 45155, 440 West 200 South, Suite 600, Salt Lake City, UT 84145–0155, telephone (801) 539–4276, before April 13, 2009. Repatriation of the human remains and associated funerary objects to the Confederated Tribes of the Goshute Reservation, Nevada and Utah may proceed after that date if no additional claimants come forward.

The Utah State Office, Bureau of Land Management is responsible for notifying the Confederated Tribes of the Goshute Reservation, Nevada and Utah; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Ely Shoshone Tribe of Nevada; Hopi Tribe of Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Navajo Nation, Arizona, New Mexico & Utah; Northwestern Band of Shoshoni Nation of Utah (Washakie); Ohkay Owingeh, New Mexico; Paiute Indian Tribe of Utah; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; San Juan Southern Paiute Tribe of Arizona; Shoshone Tribe of the Wind River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; Skull Valley Band of Goshute Indians of Utah; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Te-Moak Tribes of Western Shoshone Indians of Nevada; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: January 26, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–5351 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: U.S. Department of Defense, Army Corps of Engineers, Portland District, Portland, OR and University of Oregon Museum of Natural and Cultural History, Eugene, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains for which the University of Oregon Museum of Natural and Cultural History, Eugene, OR, and U.S. Department of Defense, Army Corps of Engineers, Portland District, Portland, OR, have joint responsibility. The human remains were removed from a site on Army Corps of Engineers land within the Fern Ridge Reservoir project area, Lane County, OR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the University of Oregon Museum of Natural and Cultural History and U.S. Army Corps of Engineers, Portland District professional staff in consultation with representatives of the Confederated Tribes of the Grand Ronde Community of Oregon; and Confederated Tribes of the Siletz Reservation, Oregon.

Native American human remains described in this notice were excavated under an Antiquities Act permit by the University of Oregon, Eugene, OR, on Army Corps of Engineers project lands. Following excavations at the site described below, and under the provisions of the permit, the University of Oregon retained the human remains for preservation.

In 1950, human remains representing one individual were removed from site 35–LA–282, also known as the Perkins Peninsula Site, Lane, OR, during excavations by the University of Oregon prior to construction of the proposed Fern Ridge Reservoir. No known individual was identified. No associated funerary objects are present.

Site 35–LA–282 is believed to have been used as a habitation site during an undetermined prehistoric period based on the presence of features and artifacts observed within the site. No evidence of a formal burial with associated funerary objects was found at the site. Based on the location of the human remains within the site, the individual has been determined to be Native American.

Ethnographic records suggest the area surrounding site 35–LA–282 was likely occupied by Kalapuya bands during the early Contact Period. Site 35–LA–282 is within or near the traditional lands of Kalapuyan peoples whose descendants are culturally affiliated with the present-day members of the Confederated Tribes of the Grand Ronde Community of Oregon and/or Confederated Tribes of the Siletz Reservation, Oregon.

The Confederated Tribes of the Grand Ronde Community of Oregon include at least 26 tribes and bands whose ancestral homelands span across western Oregon, southwestern Washington and northern California. The Grand Ronde tribes and bands include the Rogue River, Umpqua, Chasta, Kalapuya, Molala, Clackamas, Salmon River, Tillamook, and Nestucca, as well as other smaller groups. At the time of contact, the individual groups spoke 30 dialects of the Athapascan, Chinookan, Kalapuyan, Takelman, Molalan, Sahaptin, Salishan, and Shastan language families. In 1856–1857, the U.S. Government forcibly relocated the Grand Ronde peoples to the Grand Ronde Reservation at the headwaters of the South Yamhill River in Yamhill and Polk Counties, OR. The Confederated Tribes of the Grand Ronde Community of Oregon were first incorporated in 1935, terminated from federal recognition in 1954, and restored with tribal recognition in 1983.

The Confederated Tribes of the Siletz Reservation, Oregon are a confederation of 30 bands whose ancestral territory ranged along the entire Oregon coast and Coast Range, inland to the main divide of the Cascade Range and south to the Rogue River watershed. The principal tribes include the Clatsop, Chinook, Klickitat, Molala, Kalapuya, Tillamook, Alsea, Siuslaw/Lower Umpqua, Coos, Coquille, Upper Umpqua, Tututni, Chetco, Tolowa, Takelma or Upper Rogue River, Galice/Applegate, and Shasta. The ancestors of these tribes spoke at least 10 different base languages, many with strong dialectic divisions even within the same language. In general, five linguistic stocks – Salish, Yakonan, Kusan, Takelman, and Athapascan – are represented by the tribes. The tribes were forcibly removed from their homelands in 1855 by the U.S. Government and placed on the Siletz and Grand Ronde reservations. After having their tribal status terminated from federal recognition in 1954, the Confederated Tribes of the Siletz Reservation, Oregon were officially restored in 1977.

Officials of the U.S. Army Corps of Engineers, Portland District have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the U.S. Army Corps of Engineers, Portland District also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Confederated Tribes of the Grand Ronde Community of Oregon and/or Confederated Tribes of the Siletz Reservation, Oregon.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Daniel Mulligan, NAGPRA Coordinator, Environmental Resources Branch, U.S. Army Corps of Engineers, Portland District, P.O. Box 2946, Portland, OR 97208–2946, telephone (503) 808–4768, before April 13, 2009. Repatriation of the human remains to the Confederated Tribes of the Grand Ronde Community of Oregon and/or Confederated Tribes of the Siletz Reservation, Oregon may proceed after that date if no additional claimants come forward.

The U.S. Army Corps of Engineers, Portland District is responsible for notifying the Confederated Tribes of the Grand Ronde Community of Oregon and Confederated Tribes of the Siletz Reservation, Oregon that this notice has been published.

Dated: January 26, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–5338 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Bureau of Indian Affairs, Great Plains Regional Office, Aberdeen, SD

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary object in the possession of the Bureau of Indian Affairs, Great Plains Regional Office, Aberdeen, SD. The human remains and associated funerary object were removed from Buffalo and Hughes Counties, SD.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (3)(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary object. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the South Dakota State Historical Society-Archaeological Research Center professional staff under the direction of the Bureau of Indian Affairs, Great Plains Regional Office staff in consultation with representatives of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

In 1986, human remains representing a minimum of one individual were removed from a cache pit at the Twin or Lillian All Arounds Village, 39BF206/87–131, Buffalo County, SD, by The Archeology Lab-Augustana College personnel during improvements to the Jennessee Road. The human remains were curated at the South Dakota State Historical Society-Archaeological Research Center in Rapid City, SD. No known individual was identified. No associated funerary objects are present.

The manner of burial suggests that the human remains are associated with the Extended Coalescent Period (A.D. 1500–A.D. 1675). Based on archeological,

geographical and physical anthropological data, the Extended Coalescent Period is most likely culturally related with the Arikara Tribe.

In 1989 and 1990, human remains representing a minimum of 16 individuals were removed from burial and cache pits at the Indian School Village, 39HU10/90–96, Hughes County, SD, by The Archeology Lab-Augustana College personnel during construction of a dining hall and waterlines. The human remains are curated at the Bureau of Indian Affairs office. No known individuals were identified. No associated funerary objects are present.

In 1977, human remains representing a minimum of four individuals were removed from cache and burial pits at the Indian School Village, 39HU10/94–245, Hughes County, SD, by South Dakota State Historical Society-Archaeological Research Center personnel. The human remains were recovered during salvage excavations following disturbance by construction of a housing development. The human remains were curated at the Archaeological Research Center in Rapid City. No known individuals were identified. The one associated funerary object is bark matting that covered one of the burials.

The manner of the burials suggests that the human remains are associated with the Extended (A.D. 1500–A.D. 1675) and Post-Contact Coalescent (A.D. 1675–A.D. 1750) Periods. Based on archeological, geographical and physical anthropological data, the Extended and Post-Contact Coalescent Periods are most likely culturally related with the Arikara Tribe.

A physical anthropological assessment of the human remains resulted in a determination that the individuals are most likely Native American. An evaluation by the South Dakota State Historical Society-Archaeological Research Center professional staff under the direction of the Bureau of Indian Affairs, Great Plains Regional Office staff on the manner and location of the burials and type of associated funerary object, also supports an identification of the human remains as Native American and most likely culturally identifiable as Arikara. The Arikara Tribe is part of the Mandan, Hidatsa and Arikara Nation that comprises the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

In June 2008, the Mandan, Hidatsa, and Arikara Nation of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota submitted a request to the Bureau of Indian Affairs, Great Plains Regional Office for repatriation of the human remains and one associated funerary object from the Indian School and Twin or Lillian All Arounds Villages.

Officials of the Bureau of Indian Affairs have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of 21 individuals of Native American ancestry. Officials of the Bureau of Indian Affairs also have determined that, pursuant to 25 U.S.C. 3001 (3) (A), the one object described above is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Bureau of Indian Affairs have determined that, pursuant to 25 U.S.C. 3001 (2), a relationship of shared group identity can reasonably be traced between the Native American human remains and the associated funerary object and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary object should contact Paul Hofmann, Chief, Division of Environment, Safety and Cultural Resources, Bureau of Indian Affairs, 115 4th Ave. SE, MC208, Aberdeen, SD 57401, telephone (605) 226–7656, before April 13, 2009. Repatriation of the human remains and associated funerary object to the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota may proceed after that date if no additional claimants come forward.

The Bureau of Indian Affairs, Great Plains Regional Office is responsible for notifying the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota that this notice has been published.

Dated: February 3, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–5328 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: County of Nacogdoches, Nacogdoches, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the control of the County of Nacogdoches, Nacogdoches, TX. The human remains and associated funerary objects were removed from Nacogdoches County, TX.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the County of Nacogdoches through the services of qualified preservation professionals in consultation with representatives of the Caddo Nation of Oklahoma.

In 2004, human remains representing a minimum of five individuals were removed from 41NA231, also known as the Tallow Grove site, in the Lake Naconiche project area, Nacogdoches County, TX. The removal was associated with archeological data recovery in an area to be impacted by construction and/or operation of Lake Naconiche. All human remains and associated funerary objects have been in the custody of the principal investigator. No known individuals were identified. The four associated funerary objects are two bowls and two jars.

The Tallow Grove site, 41NA231, is a Middle Caddo Period habitation on a late Holocene terrace near Naconiche Creek. The temporal context is supported by recovered temporally diagnostic artifacts, radiocarbon analyses, and oxidizable carbon ratio dates. The main occupation of the site took place between the early part of the 13th century and approximately A.D. 1480, and was preceded by an earlier Woodland Period occupation that dates from 110 B.C. to A.D. 435. None of the radiocarbon-dated features are earlier than the Middle Caddo Period. The small cemetery (approximately 8 x 6 meters), situated near the remnants of several structures, and an extensive midden deposit and outdoor work area, contained the five burials with preserved human remains, one burial pit with no preserved human remains but with unassociated funerary objects, and two other burial pits with neither preserved human remains nor funerary objects. The mortuary practices and types of associated funerary objects are consistent with the traditions of the Caddo Indian peoples. Preserved

funerary offerings included pottery vessels placed near the shoulders or head with two of the burials. Geographic placement of the site and archeological evidence provide reasonable grounds for officials of the County of Nacogdoches to believe that the human remains and associated funerary objects are culturally affiliated with the Caddo Nation of Oklahoma.

In 2004, human remains representing a minimum of one individual were removed from 41NA242, also known as the Beech Ridge site, in the Lake Naconiche project area, Nacogdoches County, TX. The removal was associated with archeological data recovery in an area to be impacted by construction and/or operation of Lake Naconiche. All human remains have been in the custody of the principal investigator. No known individual was identified. No associated funerary objects are present.

The Beech Ridge site, 41NA242, is a prehistoric Caddo period settlement occupied from A.D. 1250 to 1430, and is generally contemporaneous with the nearby Tallow Grove site. The temporal context is supported by recovered temporally diagnostic artifacts, radiocarbon analyses, and oxidizable carbon ratio dates. The Middle Caddo occupation of the Beech Ridge site consisted of two principal occupational areas at the northern and southern ends of an eroded terrace landform that included structures, indoor and outdoor pit features, and activity areas around the structures. An open courtyard separated the two occupational or household areas. The burial with preserved human remains, along with one other burial pit with no preserved human remains or associated funerary objects, was situated west of the structures. Geographic placement of the site and archeological evidence provide reasonable grounds for officials of the County of Nacogdoches to believe that the human remains are culturally affiliated with the Caddo Nation of Oklahoma.

In 2003, human remains representing a minimum of two individuals were removed from 41NA285, also known as the Boyette site, in the Lake Naconiche project area, Nacogdoches County, TX. The removal was associated with archeological data recovery in an area to be impacted by construction and/or operation of Lake Naconiche. All human remains and associated funerary objects have been in the custody of the principal investigator. No known individuals were identified. The one associated funerary object is a pottery vessel (bowl).

The Boyette site, 41NA285, is positioned on the tip of a narrow upland ridge, toe slope, and small alluvial terrace. The site has a complex history of occupations beginning with the Late Archaic Period (2310–2050 B.C. to 1130–920 B.C), followed by two Woodland Period occupations (280–25 B.C. and A.D. 670–877), and two Prehistoric Caddo occupations (Formative Caddo component dating to A.D. 873–1075 and a Middle Caddo component). The temporal context is supported by recovered temporally diagnostic artifacts, radiocarbon analyses, and oxidizable carbon ratio dates. Radiocarbon dates place both burials in the Middle Caddo Period, one within a range of A.D. 1290–1410, and the other within a range of A.D. 1230–1300. Preserved funerary offerings included one pottery vessel, a Holly Fine Engraved bowl, that had been placed near the shoulders or head with one of the burials. Geographic placement of the site and archeological evidence provide reasonable grounds for officials of the County of Nacogdoches to believe that the human remains and associated funerary object are culturally affiliated with the Caddo Nation of Oklahoma.

Officials of the County of Nacogdoches have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of eight individuals of Native American ancestry. Officials of the County of Nacogdoches also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the five objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the County of Nacogdoches have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Caddo Nation of Oklahoma.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and/or associated funerary objects should contact George Campbell, County of Nacogdoches, Texas, 101 West Main Street, Nacogdoches, TX 75961, telephone (936) 569–6772, before April 13, 2009. Repatriation of the human remains and associated funerary objects to the Caddo Nation of Oklahoma may proceed after that date if no additional claimants come forward.

The County of Nacogdoches is responsible for notifying the Caddo Nation of Oklahoma that this notice has been published.

Dated: February 20, 2009.

David Tarler,

Acting Manager, National NAGPRA Program.

[FR Doc. E9–5332 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Northwest Museum, Whitman College, Walla Walla, WA

AGENCY: National Park Service.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the Northwest Museum (formerly Maxey Museum), Whitman College, Walla Walla, WA. The human remains were removed from Mason County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the Whitman College and Northwest Museum professional staff in consultation with representatives of the Skokomish Indian Tribe of the Skokomish Reservation, Washington.

Sometime between 1874 and 1907, human remains representing a minimum of four individuals were removed from the vicinity of the Skokomish Reservation, located in present-day Mason County, WA, by Reverend Myron Eells, Congregational Missionary. After Rev. Eells death, the human remains were donated to Whitman College by his wife on February 15, 1907, (WHIT–E–549, Eells#2557; WHIT–X–0011, WHIT–E–550, Eells #2558; WHIT–E–551, Eells #2559, WHIT–E–552). No known individuals were identified. No associated funerary objects are present.

While Rev. Eells did not always indicate cultural affiliation, he collected mainly from the Skokomish and S'Klallam Tribes. Rev. Eells occasionally noted tribal affiliations and/or places of origin for items in the collection. Some of Rev. Eells notes on the human remains are stated in

museum records, which identify the human remains as Native American. In addition, the human remains were determined to be Native American based on skeletal morphology, as well as on museum records of the provenience.

The human remains are most likely culturally affiliated with tribes whose aboriginal lands lie in the Hood River region of the Puget Sound of northwestern Washington. Anthropological evidence, including continuities of technology and material culture, indicates continuous occupation by the Skokomish (also known as Twana) peoples over the last 2,000 years in the Puget Sound region of Washington State. The historical biography and papers of Rev. Myron Eells, and consultation evidence with tribal representatives of the Skokomish Indian Tribe of the Skokomish Reservation, Washington, further support Skokomish occupation.

Officials of the Northwest Museum, Whitman College have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of four individuals of Native American ancestry. Officials of the Northwest Museum, Whitman College also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Skokomish Indian Tribe of the Skokomish Reservation, Washington.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Brian Dott, Director, Northwest Museum, Maxey Hall, Whitman College, 345 Boyer Ave., Walla Walla, WA 99362, telephone (509) 527–5776, before April 13, 2009. Repatriation of the human remains to the Skokomish Indian Tribe of the Skokomish Reservation, Washington may proceed after that date if no additional claimants come forward.

The Northwest Museum, Whitman College is responsible for notifying the Skokomish Indian Tribe of the Skokomish Reservation, Washington that this notice has been published.

Dated: February 26, 2009.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–5326 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Oregon State University, Department of Anthropology, Corvallis, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the control of Oregon State University, Department of Anthropology, Corvallis, OR. The human remains were removed from an unknown site in Oregon.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Oregon State University, Department of Anthropology professional staff in consultation with representatives of the Confederated Tribes of the Colville Reservation, Washington and Confederated Tribes of the Umatilla Indian Reservation, Oregon. The Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon; Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians of Oregon; Confederated Tribes of the Grande Ronde Community of Oregon; Confederated Tribes of the Siletz Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Coquille Tribe of Oregon; Cow Creek Band of Umpqua Indians of Oregon; and Klamath Tribes, Oregon were notified, but did not participate in consultations about the human remains described in this notice.

On an unknown date, human remains representing a minimum of one individual were removed from an unknown area in Oregon (UNKNO-C89–0001). No information regarding the accession of the human remains is available. No known individual was identified. No associated funerary objects are present.

The first record of the human remains occurred during an inventory in 2006. At that time, the human remains were recorded with the origins ''Flathead Oregon'' written on the skull. Subsequently, the human remains were identified as Native American by departmental physical anthropology faculty based on characteristics of the cranial bone structure. There is evidence of slight parietal bossing and slight flattening of the occipital.

Written evidence of cranial deformation in the Columbia Plateau is rare; however, there is evidence that the American Northwest of the Fraser and Columbia Rivers were the lead regions where orbicular, tabular erect and tabular oblique sharpening of the head was most common. The tabular forms of deformation were made by attaching boards to the cradleboard with ropes either in a fixed position or free position. Other forms, such as the annular, were created by wrapping bands around the head. Archeological and historic evidence points to head deformation as a common practice among the bands living along the Columbia River. Lewis and Clark, as well as other early white explorers on the Columbia River, mention head sharpening, especially among the Shahaptain cultural group, the principal language of the Waluulapam (Walla Walla), Imatalamlama (Umatilla), and some of the Weyiiletpuu (Cayuse). Descendants of the Waluulapam, Imatalamlama, and Weyiiletpuu are members of the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

The Confederated Tribes of the Umatilla Indian Reservation ceded 6.4 million acres to the U.S. Government, including southeast Washington and northeast Oregon. Oral histories have identified the entire area of Wanaq'it, the north and south banks of the Columbia River, and the islands in the vicinity as a Traditional Cultural Property of the Confederated Tribes of the Umatilla Indian Reservation. This general area was traditionally used for fishing, food and resource gathering, a travel corridor to the larger village areas near Umatilla and Wallula, a habitation area, and burial grounds. Tribal representatives of the Confederated Tribes of the Colville Reservation, Washington concur that the Confederated Tribes of the Umatilla Indian Reservation, Oregon occupied the areas of southeast Washington and northeast Oregon.

Officials of Oregon State University, Department of Anthropology have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the Oregon State University, Department of Anthropology also have determined that, pursuant to 25 U.S.C. 3001 (2),

there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Confederated Tribes of the Umatilla Indian Reservation, Oregon.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. David McMurray, Oregon State University, Department of Anthropology, 238 Waldo Hall, Corvallis, OR 97331, telephone (541) 737–3850, before April 13, 2009. Repatriation of the human remains to the Confederated Tribes of the Umatilla Indian Reservation, Oregon may proceed after that date if no additional claimants come forward.

The Oregon State University, Department of Anthropology is responsible for notifying the Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon; Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians of Oregon; Confederated Tribes of the Grande Ronde Community of Oregon; Confederated Tribes of the Siletz Reservation, Oregon; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes of the Warm Springs Reservation of Oregon; Coquille Tribe of Oregon; Cow Creek Band of Umpqua Indians of Oregon; and Klamath Tribes, Oregon that this notice has been published.

Dated: February 4, 2009.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–5339 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, San Juan Island National Historical Park, Friday Harbor, WA and Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of the Thomas Burke Memorial Washington State Museum (Burke Museum), University of Washington, Seattle, WA, and in the control of the U.S. Department of the Interior, National Park Service, San Juan Island National Historical Park, Friday Harbor, WA. The human remains and associated funerary objects were removed from four prehistoric archeological sites within the boundaries of San Juan Island National Historical Park, San Juan County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the superintendent, San Juan Island National Historical Park.

This notice corrects the number of associated funerary objects reported in two previously published notices: Notice of Inventory Completion (73 FR 41379–41380, July 18, 2008); and corrected Notice of Inventory Completion (73 FR 51512–51513, September 3, 2008). This notice replaces both the original Notice of Inventory Completion of July 18, 2008 and the corrected Notice of Inventory Completion of September 3, 2008.

A detailed assessment of the human remains and associated funerary objects was made by Burke Museum and San Juan Island National Historical Park professional staff in consultation with representatives of the Lummi Tribe of the Lummi Reservation, Washington; Samish Indian Tribe, Washington; and Swinomish Indians of the Swinomish Reservation, Washington.

In 1946 and 1947, human remains representing a minimum of four individuals were removed from the Cattle Point Site (45–SJ–01) on San Juan Island in San Juan County, WA, during legally authorized excavations by University of Washington archeologist Arden King. Cattle Point is within the American Camp portion of San Juan Island National Historical Park on the southern part of San Juan Island. The human remains and associated funerary objects were transferred to the Burke Museum and accessioned by the National Park Service. No known individuals were identified. The two associated funerary objects are mammal bone fragments.

In 1950, human remains representing a minimum of two individuals were removed from the Guss Island Site (45–SJ–21) in San Juan County, WA, during legally authorized excavations as a part of University of Washington Field Project led by Adan Treganza. The human remains were transferred to the Burke Museum and accessioned by the National Park Service. No known individuals were identified. No associated funerary objects are present.

In 1983, human remains representing a minimum of one individual were removed from the Guss Island Site (45–SJ–21) in San Juan County, WA, during legally authorized excavations by University of Washington Professor Julie Stein. The human remains and associated funerary objects were transferred to the Burke Museum and accessioned by the National Park Service. Guss Island is a small island in Garrison Bay and is within the English Camp portion of San Juan Island National Historical Park on the northwestern part of San Juan Island. No known individual was identified. The nine associated funerary objects are one deer vertebra fragment, one deer tibia, one bird coracoid bone, one bird humerus, two fish bones, and three pieces of fire modified rock.

In 1950, human remains representing a minimum of seven individuals were removed from the English Camp Site (45–SJ–24) in San Juan County, WA, during a University of Washington summer field school directed by Professor Adan Treganza of San Francisco State University. The human remains and associated funerary objects were transferred to the Burke Museum and accessioned by the National Park Service. No known individuals were identified. The 27 associated funerary objects are 1 broken chipped stone projectile point and 26 non-human bone fragments.

In 1970, 1971, and 1972, human remains representing a minimum of eight individuals were removed from the English Camp Site in San Juan County, WA, during University of Idaho field schools directed by Dr. Roderick Sprague. The human remains and associated funerary objects were transferred to the Burke Museum and accessioned by the National Park Service. No known individuals were identified. The 58 associated funerary objects are 1 splinter awl made from deer bone, 1 tip of an antler tine, 1 square nail fragment, 1 wood fragment, 1 Horse Clam shell fragment, 6 basalt flakes, and 47 non-human skeletal fragments and non-human teeth.

In 1984, 1988, and 1990, human remains representing a minimum of five individuals were removed from the English Camp Site in San Juan County, WA, during legally authorized excavations by Professor Julie Stein of the University of Washington. The human remains and associated funerary objects were transferred to the Burke Museum and accessioned by the National Park Service. No known individuals were identified. The 27 associated funerary objects are non-human bone fragments.

In 1951, human remains representing a minimum of seven individuals were removed from the North Garrison Bay Site (45–SJ–25) in San Juan County, WA, during a summer field school in archeology under the direction of Professor Carroll Burroughs of the University of Washington. The North Garrison Bay Site is a prehistoric village site north of both the Guss Island Site and English Camp Site referred to previously. The fragmentary human remains were transferred to the Burke Museum and accessioned by the National Park Service. No known individuals were identified. The 11 associated funerary objects are 1 shell fragment, 1 fused non-human radius and ulna, 1 deer ulna, 1 carnivore mandible fragment, 1 non-human rib fragment, 2 non-human bone fragments, and 4 lots of organic matter.

Based upon non-destructive osteological analysis, archeological data, geographic context and accession data, the 34 individuals from the four San Juan Island sites are of Native American ancestry. Arden King's analysis of archeological data from Cattle Point resulted in the identification of three prehistoric phases, with the most recent representing a maritime adaptation that is ancestral to historic native populations in the United States and Canada. Archeological research and analysis indicates continuous habitation of San Juan Island, including the four sites mentioned here, from approximately 2,000 years ago through the mid–19th century. Anthropologist Wayne Suttles has identified the occupants of San Juan Island as Northern Straits language-speaking people, a linguistic subset of a larger Central Coast Salish population, who were ancestors of the Lummi Tribe of the Lummi Reservation, Washington. Furthermore, Suttles' anthropological research in the late 1940s confirmed that the Lummi primarily occupied San Juan Island and other nearby islands in the contact period and during the early history of the Lummi Reservation that was established on the mainland in 1855 through Article II of the Treaty of Point Elliott. San Juan Island is within the aboriginal territory of the Lummi Tribe of the Lummi Reservation, Washington. Lummi oral tradition, history and anthropological data clearly associate the Lummi with San Juan Island.

The Samish Indian Tribe, Washington is closely associated with the Lummi Tribe of the Lummi Reservation, Washington linguistically and culturally, and the Samish regard San Juan Island to be within the usual and accustomed territory shared by both tribes at the time of the Point Elliott Treaty negotiations in 1855. In 2006, the Samish Indian Tribe, Washington and the Lummi Tribe of the Lummi Reservation, Washington entered into a cooperative agreement to have the Lummi Tribe of the Lummi Reservation, Washington take the lead in receiving repatriated human remains and funerary objects from San Juan Island National Historical Park. The traditional territory of the Swinomish Indians of the Swinomish Reservation, Washington is on the mainland in the vicinity of La Conner, WA, on Whidbey Island and Fidalgo Island, the site of their reservation.

Officials of San Juan Island National Historical Park have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of 34 individuals of Native American ancestry. Officials of San Juan Island National Historical Park also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 134 associated funerary objects are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of San Juan Island National Historical Park have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Lummi Tribe of the Lummi Reservation, Washington.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Peter Dederich, superintendent, San Juan Island National Historical Park, P.O. Box 429, Friday Harbor, WA 98250–04289, telephone (360) 378–2240, before April 13, 2009. Repatriation of the human remains and associated funerary objects to the Lummi Tribe of the Lummi Reservation, Washington may proceed after that date if no additional claimants come forward.

San Juan Island National Historical Park is responsible for notifying the Lummi Tribe of the Lummi Reservation, Washington; Samish Indian Tribe, Washington; and Swinomish Indians of the Swinomish Reservation, Washington that this notice has been published.

Dated: February 12, 2009.

Sangita Chari,

Acting Manager, National NAGPRA Program.

[FR Doc. E9–5321 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: U.S. Department of the Interior, Utah State Office of the Bureau of Land Management, Salt Lake City, UT; Museum of Peoples and Cultures, Brigham Young University, Provo, UT; College of Eastern Utah Prehistoric Museum, Price, UT; Edge of the Cedars State Park Museum, Blanding, UT; Utah Museum of Natural History, University of Utah, Salt Lake City, UT; and Anthropology Museum at Washington State University, Pullman, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the control of the U.S. Department of the Interior, Utah State Office, Bureau of Land Management, Salt Lake City, UT, and in the possession of the Museum of Peoples and Cultures, Brigham Young University, Provo, UT; College of Eastern Utah Prehistoric Museum, Price, UT; Edge of the Cedars State Park Museum, Blanding, UT; Utah Museum of Natural History, University of Utah, Salt Lake City, UT; and Anthropology Museum at Washington State University, Pullman, WA. The human remains and associated funerary objects were removed from Carbon, Grand, Kane, San Juan, Sevier, Tooele, Washington, and Wayne Counties, UT, and from unknown locations in Utah.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Museum of Peoples and Cultures, Brigham Young University; College of Eastern Utah Prehistoric Museum; Edge of the Cedars State Park Museum; Utah Museum of Natural History, University of Utah; Anthropology Museum at Washington State University; and Utah State Office, Bureau of Land Management professional staff in consultation with representatives of the Confederated

Tribes of the Goshute Reservation, Nevada and Utah; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Ely Shoshone Tribe of Nevada; Hopi Tribe of Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Navajo Nation, Arizona, New Mexico & Utah; Northwestern Band of Shoshoni Nation of Utah (Washakie); Ohkay Owingeh, New Mexico; Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; San Juan Southern Paiute Tribe of Arizona; Shoshone Tribe of the Wind River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; Skull Valley Band of Goshute Indians of Utah; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band, Elko Band, South Fork Band and Wells Band); Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico.

In 1973, human remains representing a minimum of one individual were removed from the surface of archeological site 42SA2799 in San Juan County, UT, during a legally authorized inventory effort conducted by Brigham Young University. The human remains were subsequently accessioned into the Museum of Peoples and Cultures, Brigham Young University. No known individual was identified. No associated funerary objects are present.

In 1973, human remains representing a minimum of one individual were removed from the surface of archeological site 42SA2800 in San Juan County, UT, during a legally authorized inventory effort conducted by Brigham Young University. The human remains were subsequently accessioned into the Museum of Peoples and Cultures, Brigham Young University. No known individual was identified. No associated funerary objects are present.

In 1973, human remains representing a minimum of one individual were removed from the surface of archeological site 42SA2911 in San Juan County, UT, during a legally authorized inventory effort conducted by Brigham Young University. The human remains were subsequently accessioned into the Museum of Peoples and Cultures, Brigham Young University. No known individual was identified. No associated funerary objects are present.

Between 1970 and 1972, human remains representing a minimum of four individuals were removed from Three Kiva Pueblo (archeological site 42SA863) in San Juan County, UT, during legally authorized excavations conducted by Brigham Young University. The human remains and associated funerary objects were subsequently accessioned into the Museum of Peoples and Cultures, Brigham Young University. No known individuals were identified. The two associated funerary objects are a projectile point and a stone axe fragment.

Between 1969 and 1974, human remains representing a minimum of one individual were removed from the surface of archeological site 42SA3581 in San Juan County, UT, during a legally authorized inventory effort conducted by Brigham Young University. The human remains were subsequently accessioned into the Museum of Peoples and Cultures, Brigham Young University. No known individual was identified. No associated funerary objects are present.

In 1974, human remains representing a minimum of one individual were removed from the surface of archeological site 42SA3786 in San Juan County, UT, during a legally authorized inventory effort conducted by Brigham Young University. The human remains were subsequently accessioned into the Museum of Peoples and Cultures, Brigham Young University. No known individual was identified. No associated funerary objects are present.

Between 1969 and 1972, human remains representing a minimum of one individual were removed from the surface of archeological site 42SA1782 in San Juan County, UT, during a legally authorized inventory effort conducted by Brigham Young University. The human remains were subsequently accessioned into the Museum of Peoples and Cultures, Brigham Young University. No known individual was identified. No associated funerary objects are present.

Between 1969 and 1972, human remains representing a minimum of one individual were removed from the surface of archeological site 42SA1864 in San Juan County, UT, during a legally authorized inventory effort conducted by Brigham Young University. The human remains were subsequently accessioned into the Museum of Peoples and Cultures, Brigham Young University. No known individual was identified. No associated funerary objects are present.

Between 1969 and 1972, human remains representing a minimum of one individual were removed from the surface of archeological site 42SA2117 in San Juan County, UT, during a legally authorized inventory effort conducted by Brigham Young University. The human remains and associated funerary object were subsequently accessioned into the Museum of Peoples and Cultures, Brigham Young University. No known individual was identified. The one associated funerary object is a worked stone flake.

Between 1969 and 1979, human remains representing a minimum of one individual were removed from the surface of archeological site 42SA10862 in San Juan County, UT, during a legally authorized inventory effort conducted by Brigham Young University. The human remains were subsequently accessioned into the Museum of Peoples and Cultures, Brigham Young University. No known individual was identified. No associated funerary objects are present.

Between 1969 and 1979, human remains representing a minimum of one individual were removed from the surface of archeological site 42SA10871 in San Juan County, UT, during a legally authorized inventory effort conducted by Brigham Young University. The human remains were subsequently accessioned into the Museum of Peoples and Cultures, Brigham Young University. No known individual was identified. No associated funerary objects are present.

Between 1969 and 1979, human remains representing a minimum of one individual were removed from the surface of archeological site 42SA10883 in San Juan County, UT, during a legally authorized inventory effort conducted by Brigham Young University. The human remains were subsequently accessioned into the Museum of Peoples and Cultures, Brigham Young University. No known individual was

identified. No associated funerary objects are present.

Between 1969 and 1979, human remains representing a minimum of one individual were removed from the surface of archeological site 42SA10983 in San Juan County, UT, during a legally authorized inventory effort conducted by Brigham Young University. The human remains were subsequently accessioned into the Museum of Peoples and Cultures, Brigham Young University. No known individual was identified. No associated funerary objects are present.

At an unknown date, human remains representing a minimum of one individual were removed from Mill Creek Canyon, Grand County, UT. Circumstances of the removal are unknown. The human remains were originally housed in the Dan O'Laurie Museum in Moab and subsequently were given to a Bureau of Land Management archeologist because they could not be properly cared for in the museum. The human remains were later transferred to the College of Eastern Utah Prehistoric Museum. No known individual was identified. The five associated funerary objects are one lot of leather pieces, one lot of grass, one plaited juniper bark carrier, and one lot of cording.

At an unknown date, human remains representing a minimum of one individual were removed from White Canyon, Grand County, UT. Circumstances of the removal are unknown. The human remains were originally housed in the Dan O'Laurie Museum in Moab and subsequently were given to a Bureau of Land Management archeologist because they could not be properly cared for in the museum. The human remains were later transferred to the College of Eastern Utah Prehistoric Museum. No known individual was identified. The three associated funerary objects are one lot of leather pieces, one lot of twined juniper bark carrier pieces, and twisted animal hide cordage.

In 1977, human remains representing a minimum of four individuals were recovered from River House Ruin (42SA5281) in San Juan County, UT, during legally authorized excavations. The human remains were accessioned by the Edge of the Cedars State Park Museum. No known individuals were identified. No associated funerary objects are present.

In 1983, human remains representing a minimum of one individual were recovered from archeological site 42SA14187 in San Juan County, UT, during legally authorized data recovery efforts after erosion exposed the burial. The human remains were accessioned by the Edge of the Cedars State Park Museum. No known individual was identified. The 170 associated funerary objects are 4 ceramic vessels; 1 ladle fragment; 158 ceramic sherds (Mancos Black-on-White, Piedra Black-on-White, McElmo Black-on-White, Chapin Gray, and Mancos neck banded); 1 broken ceramic pendant; 1 polishing stone; 1 pecking stone; 1 graver; 2 bifaces; and 1 utilized flake.

In 1981, human remains representing a minimum of one individual were removed from site 42SA4856, the Little Square Tower site, San Juan County, UT, during legally authorized excavations for data recovery efforts for the Recapture Dam Project by Brigham Young University. The human remains were accessioned by the Edge of the Cedars State Park Museum. No known individual was identified. No associated funerary objects are present.

In 1981, human remains representing a minimum of one individual were recovered from site 42SA8875, San Juan County, UT, during legally authorized excavations for data recovery efforts for the Recapture Dam Project by Brigham Young University. The human remains were accessioned by the Edge of the Cedars State Park Museum. No known individual was identified. No associated funerary objects are present.

In 1981, human remains representing a minimum two individuals were recovered from site 42SA8876, San Juan County, UT, during legally authorized excavations for data recovery efforts for the Recapture Dam Project by Brigham Young University. The human remains were accessioned by the Edge of the Cedars State Park Museum. No known individuals were identified. No associated funerary objects are present.

In 1981, human remains representing a minimum one individual were removed from site 42SA8880, the Cist site, San Juan County, UT, during legally authorized excavations for data recovery efforts for the Recapture Dam Project by Brigham Young University. The human remains were accessioned by the Edge of the Cedars State Park Museum. No known individual was identified. No associated funerary objects are present.

In 1981, human remains representing a minimum two individuals were removed from site 42SA8887, the Bullpup Shelter site, San Juan County, UT, during legally authorized excavations for data recovery efforts for the Recapture Dam Project by Brigham Young University. The human remains were accessioned by Edge of the Cedars State Park Museum. No known individual was identified. The one associated funerary object is a polished tube of turkey bone.

Three individuals were also recovered during the Recapture Dam Project by Brigham Young University, and are assumed to be from the same time periods and occupations of the other human remains, although their exact provenience is not known. The human remains were accessioned by the Edge of the Cedars State Park Museum.

In 1965, human remains representing a minimum of one individual were recovered from the surface of a vandalized site, 42SA5093, in San Juan County, UT, during legally authorized surface inventory. The human remains were accessioned by the Edge of the Cedars State Park Museum. No known individual was identified. No associated funerary objects are present.

In 1990, human remains representing a minimum of one individual were recovered from archeological site 42SA11624 in Nancy Patterson Canyon, San Juan County, UT, during legally authorized excavations. The human remains were accessioned by the Edge of the Cedars State Park Museum. No known individual was identified. The two associated funerary objects are a Mancos Corrugated ceramic vessel and a Mesa Verde white ware ceramic vessel.

In 1976, human remains representing a minimum of two individuals were recovered from the surface of archeological site 42SA5622 in Butler Wash, San Juan County, UT, during a survey by the University of Denver. The human remains were scattered on the surface of a disturbed and looted site. The human remains were accessioned by the Edge of the Cedars State Park Museum. No known individuals were identified. No associated funerary objects are present.

In 1965, human remains representing a minimum of two individuals were recovered from the surface of archeological site 42SA5156, San Juan County, UT, during inventory for a chaining at Westwater Point. The human remains were accessioned by the Edge of the Cedars State Park Museum. No known individuals were identified. No associated funerary objects are present.

Prior to 1979, human remains representing a minimum of two individuals were recovered from an unknown site in an unknown location. The human remains and the objects were held in the Monticello Field Office, Bureau of Land Management until 1983 when they were transferred to and accessioned by the Edge of the Cedars State Park for appropriate care. No known individuals were identified.

The five associated funerary objects are one ceramic sherd, two worked/tanned animal hides, one turkey feather blanket, and one yucca cordage.

In 1983, human remains representing a minimum of one individual were delivered to the Edge of the Cedars Museum by a Bureau of Land Management staff archeologist in California, and accessioned into the museum collections as under the control of the Bureau of Land Management. The Bureau of Land Management acquired the human remains from a collector who indicated they had been looted from a site near Blanding in San Juan County, UT. No additional information regarding the original place or manner of removal is available. No known individual was identified. The two associated funerary objects are a yucca fiber and a turkey feather blanket.

In 1989, human remains representing a minimum of one individual were collected by hikers from an exposed burial on the surface of an unrecorded site on Bureau of Land Management public lands in the Grand Gulch area of San Juan County, UT. The human remains and the associated funerary object were turned over to Bureau of Land Management and subsequently taken to Edge of the Cedars State Park for appropriate care. No known individual was identified. The one associated funerary object is a turkey feather legging fragment.

Between 1972 and 1973, human remains representing a minimum of one individual were recovered from site 42SA2137, during excavations as part of a U.S. 95 highway improvement project in San Juan County, UT. Subsequently, the Utah Museum of Natural History accessioned the materials into its collections. No known individual was identified. The 48 associated funerary objects are 1 McElmo Black-on-White jar, 2 McElmo Black-on-White fragments, 1 bowl, and 44 sherds.

Between 1972 and 1973, human remains representing a minimum of one individual were recovered from site 42SA2139, Surprise Village, San Juan County, UT, during excavations as part of a U.S. 95 highway improvement project. Subsequently, the Utah Museum of Natural History accessioned the materials into its collections. No known individual was identified. No associated funerary objects are present.

Between 1972 and 1973, human remains representing a minimum of two individuals were recovered from site 42SA2140, Gnat Knoll, San Juan County, UT, during excavations as part of a U.S. 95 highway improvement project. Subsequently, the Utah Museum of Natural History accessioned the materials into its collections. No known individuals were identified. The one associated funerary object is one lot of ceramics sherds.

Between 1972 and 1973, human remains representing a minimum of two individuals were recovered from site 42SA2164, Mule Canyon Ruins, San Juan County, UT, during excavations as part of a U.S. 95 highway improvement project. Subsequently, the Utah Museum of Natural History accessioned the materials into its collections. No known individuals were identified. The one associated funerary object is a small bowl made from a handleless dipper.

Between 1972 and 1973, human remains representing a minimum of one individual were recovered from site 42SA3203, Tall Pine Site, San Juan County, UT, during excavations as part of a U.S. 95 highway improvement project. Subsequently, the Utah Museum of Natural History accessioned the materials into its collections. No known individual was identified. No associated funerary objects are present.

In 1975, human remains representing a minimum of one individual were removed from the surface of site HS C1–3 near the head of Polly's Canyon, a tributary of Grand Gulch in San Juan County, UT, as part of the Cedar Mesa Project. The human remains were subsequently accession by the Anthropology Museum at Washington State University. No known individual was identified. No associated funerary objects are present.

All the human remains and associated funerary objects evidence an affiliation with the archeological cultural known as Anasazi or Ancestral Puebloan. The Anasazi culture developed in Utah and elsewhere in the Southwest from about 1200 B.C. through the 13th and/or 14th centuries, after which there was an abandonment of some areas. Anasazi sites are also commonly referred to as Ancestral Puebloan because of a clear linkage and continuity to extant Puebloan culture from prehistoric times to the present. Ceramics, architecture, rock art, and other cultural traits documented in the archeological record, as well as the oral traditions of Puebloan tribes, provide relevant evidence for a general cultural affiliation to Puebloan tribes. Other tribes who have lived in the area since Anasazi abandonment of the region in the 13th and/or 14th centuries also claim a relationship with Anasazi archeological sites. To the extent that there has been intermarriage and gene flow across tribal populations in the Southwest, and transfer of some cultural traits through time and association, some argument could be made for broad affiliation. However, a focus on the culture in place during the time of Anasazi occupation, and continuity of key cultural traits through time justifies affiliation to Puebloans and not to tribes who appear to have entered the region after Anasazi abandonment. Determinations of cultural affiliation are based on a simple preponderance of the evidence. Based on archeological evidence and oral traditions/folklore, there is a general affiliation to extant Pueblo Tribes, which are the Hopi Tribe of Arizona; Ohkay Owingeh, New Mexico; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico.

Officials of the Utah State Office, Bureau of Land Management have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of 51 individuals of Native American ancestry. Officials of the Utah State Office, Bureau of Land Management also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 242 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Utah State Office, Bureau of Land Management have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Hopi Tribe of Arizona; Ohkay Owingeh, New Mexico; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa

Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Byron Loosle, Utah State NAGPRA Coordinator, BLM Utah State Office, P.O. Box 45155, 440 West 200 South, Suite 600, Salt Lake City, UT 84145–0155, telephone (801) 539–4276, before April 13, 2009. Repatriation of the human remains and associated funerary objects to the Hopi Tribe of Arizona; Ohkay Owingeh, New Mexico; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico may proceed after that date if no additional claimants come forward.

The Utah State Office, Bureau of Land Management is responsible for notifying the Confederated Tribes of the Goshute Reservation, Nevada and Utah; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Ely Shoshone Tribe of Nevada; Hopi Tribe of Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Navajo Nation, Arizona, New Mexico & Utah; Northwestern Band of Shoshoni Nation of Utah (Washakie); Ohkay Owingeh, New Mexico; Paiute Indian Tribe of Utah; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; San Juan Southern Paiute Tribe of Arizona; Shoshone Tribe of the Wind River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; Skull Valley Band of Goshute Indians of Utah; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Te-Moak Tribe of Western Shoshone Indians of Nevada; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: January 29, 2009.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–5340 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: U.S. Department of the Interior, Utah State Office, Bureau of Land Management, Salt Lake City, UT and Utah Museum of Natural History, University of Utah, Salt Lake City, UT

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the control of the U.S. Department of the Interior, Utah State Office, Bureau of Land Management, Salt Lake City, UT, and in the possession of the Utah Museum of Natural History, University of Utah, Salt Lake City, UT. The human remains and associated funerary objects were removed from Kane County, UT.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Utah Museum of Natural History, University of Utah, and Utah State Office, Bureau of Land Management professional staff in consultation with representatives of the Confederated Tribes of the Goshute Reservation, Nevada and Utah; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Ely Shoshone Tribe of Nevada; Hopi Tribe of Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Navajo Nation, Arizona, New Mexico & Utah; Northwestern Band of Shoshoni Nation of Utah (Washakie); Ohkay Owingeh, New Mexico; Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; San Juan Southern Paiute Tribe of Arizona; Shoshone Tribe of the Wind River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; Skull Valley Band of Goshute Indians of Utah; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Te-Moak Tribes of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band, Elko Band, South Fork Band and Wells Band); Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico.

In 1962 and 1963, human remains representing a minimum of four individuals were removed from site 42Ka1076, the Bonanza Dune site, in Kane County, UT, as part of the University of Utah's archeological field schools. The human remains and associated funerary objects were subsequently accessioned into the Utah Museum of Natural History. No known individuals were identified. The 41 associated funerary objects are 1 Shinarump Brown jar, 1 Black Mesa B/

W bowl, 1 North Creek Gray jar, 1 jar, 1 bowl, 1 projectile point, 1 stone, 3 Shinarump sherds, and 31 sherds. The following 21 objects were also identified in museum records and the excavation report as being associated with the human remains, but the museum could not verify their current location: 19 stones, 1 North Creek Gray ladle, and 1 sherd.

The three reported burials are associated with the Virgin Anasazi. A report on the site excavation discusses the three burials; it is not clear whether the fourth set of human remains came from one of these burials or from some other location in the site. However, it is reasonably believed that the fourth burial listed in the museum records would have the same cultural affiliation since that is the primary cultural sequence noted at the site.

The Zuni Tribe of the Zuni Reservation, New Mexico; Hopi Tribe of Arizona; and San Juan Southern Paiute Tribe of Arizona have all made generalized claims for a relationship with the Virgin Anasazi peoples in southwestern Utah and northwestern Arizona. Archeological evidence indicates that Virgin Anasazi peoples began to leave the area by A.D. 1150, and abandoned most locations shortly after A.D. 1200. Some evidence suggests that Paiute ancestors entered the region or at least were in contact with Virgin Anasazi peoples by A.D. 1150, but there is a distinct archeological record showing two separate occupations by two peoples, and evidence for a direct relationship between Virgin Anasazi peoples and present-day Paiutes has not been shown. Cultural continuity from Basketmaker through Puebloan times and into the present shows cultural continuity of Virgin Anasazi (and other Anasazi expressions) with extant Puebloans. Based on general evidence, extant Puebloan tribes are culturally affiliated to Virgin Anasazi at some general level. There is specific evidence, especially oral tradition and folklore, with support from archeology and other lines of evidence, to link the Hopi Tribe of Arizona directly to Virgin Anasazi culture by a simple preponderance of the evidence.

Officials of the Utah State Office, Bureau of Land Management have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of four individuals of Native American ancestry. Officials of the Utah State Office, Bureau of Land Management also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 41 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Utah State Office, Bureau of Land Management have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Hopi Tribe of Arizona.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Dr. Byron Loosle, Utah State NAGPRA Coordinator, BLM Utah State Office, P.O. Box 45155, 440 West 200 South, Suite 600, Salt Lake City, UT 84145–0155, telephone (801) 539–4276, before April 13, 2009. Repatriation of the human remains and associated funerary objects to the Hopi Tribe of Arizona may proceed after that date if no additional claimants come forward.

The Utah State Office, Bureau of Land Management is responsible for notifying the Confederated Tribes of the Goshute Reservation, Nevada and Utah; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Ely Shoshone Tribe of Nevada; Hopi Tribe of Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Navajo Nation, Arizona, New Mexico & Utah; Northwestern Band of Shoshoni Nation of Utah (Washakie); Ohkay Owingeh, New Mexico; Paiute Indian Tribe of Utah; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; San Juan Southern Paiute Tribe of Arizona; Shoshone Tribe of the Wind River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; Skull Valley Band of Goshute Indians of Utah; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Te-Moak Tribes of Western Shoshone Indians of Nevada; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: January 26, 2009.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–5346 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items: Bureau of Indian Affairs, Great Plains Regional Office, Aberdeen, SD

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the possession of the Bureau of Indian Affairs, Great Plains Regional Office, Aberdeen, SD, that meet the definition of ''unassociated funerary objects'' under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the cultural items. The National Park Service is not responsible for the determinations in this notice.

The three cultural items are one quartzite endscraper and two bone awls. A detailed assessment of the cultural items was made by the South Dakota State Historical Society-Archaeological Research Center professional staff under the direction of the Bureau of Indian Affairs staff in consultation with representatives of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

In 1977, archeological salvage excavations were conducted at the Indian School Village, 39HU10/94–245, Hughes County, SD, by Tom Haberman, South Dakota State Historical Society-Archeological Research Center. Human remains and funerary objects were found in an abandoned cache pit exposed by housing construction activities. The human remains were reburied in the adjacent churchyard that same year. The funerary objects were not reburied, and instead were curated at the Archaeological Research Center, Rapid City, SD.

The Indian School Village dates to the Extended Coalescent (A.D. 1500–A.D. 1675) and Post-Contact Coalescent (A.D. 1675–A.D. 1750) Periods. Evaluation of documentation from the excavation of the Indian School Village site indicates that the cultural items were found in association with Native American human remains. Other human remains from the Indian School Village have been identified as Native American based on physical anthropological assessment, manner and location of burial, and types of funerary objects. Based on historical documents, oral history, and archeological data, the Mandan, Hidatsa, and Arikara peoples occupied what is now present-day South Dakota and North Dakota, and are represented today by the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

In June 2008, the Mandan, Hidatsa, and Arikara Nation of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota submitted a request to the Bureau of Indian Affairs, Great Plains Regional Office for repatriation of cultural items from central South Dakota, including the three unassociated funerary objects described above from the Indian School Village.

Officials of the Bureau of Indian Affairs have determined that, pursuant to 25 U.S.C. 3001 (3)(B), the three cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual. Officials of the Bureau of Indian Affairs have determined that, pursuant to 25 U.S.C. 3001 (2), a relationship of shared group identity can be traced between the unassociated funerary objects and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Representatives of any Indian tribe that believes itself to be culturally affiliated with the unassociated funerary objects should contact Paul Hofmann, Chief, Division of Environment, Safety and Cultural Resources, Bureau of Indian Affairs, 115 4th Ave., Aberdeen, SD 57401, telephone (605) 226–7656, before April 13, 2009. Repatriation of the unassociated funerary objects to the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota may proceed after that date if no additional claimants come forward.

The Bureau of Indian Affairs, Great Plains Regional Office is responsible for notifying the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota that this notice has been published.

Dated: February 3, 2009.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–5327 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items: U.S. Department of Agriculture, Forest Service, Coronado National Forest, Tucson, AZ and Arizona State Museum, University of Arizona, Tucson, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the control of the U.S. Department of Agriculture, Forest Service, Coronado National Forest, Tucson, AZ, and in the possession of the Arizona State Museum, University of Arizona, Tucson, AZ, that meets the definition of ''unassociated funerary objects'' under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the cultural items. The National Park Service is not responsible for the determinations in this notice.

Between 1979 and 1980, two cultural items were removed from a prehistoric site (EE:2:79) within the ANAMAX-Rosemont Project in the Santa Rita Mountains, Coronado National Forest, Pima County, AZ, during legally authorized excavations by the Arizona State Museum, University of Arizona. The two unassociated funerary objects are a ceramic bowl and charcoal.

Between 1979 and 1980, one cultural item was removed from a prehistoric site (EE:2:113) within the ANAMAX-Rosemont Project in the Santa Rita Mountains, Coronado National Forest, Pima County, AZ, during legally authorized excavations by the Arizona State Museum, University of Arizona. The one unassociated funerary object is a stone palette.

The three cultural items have remained in the possession of the Arizona State Museum since their excavation. Based on architecture, material culture and site organization, the two sites (EE:2:79 and EE:2:113) within the ANAMAX-Rosemont Project have been identified as Pre-Classic Hohokam village occupations dating between A.D. 450 and 1150. Continuities of ethnographic materials, technology and architecture indicate the affiliation of Hohokam sites in the area of the Anamax-Rosemont Project with present-day O'odham cultures. The oral traditions of the Ak-Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and Tohono O'odham Nation, Arizona, support the cultural affiliation of these four Indian tribes with Hohokam sites in this area of southeastern Arizona. The oral traditions of the Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico indicate some cultural ties or relationships to certain portions of southeastern Arizona in the late Post-Classic Period (A.D. 1300–1450). While the Hopi Tribe and Zuni Tribe have cultural ties to certain portions of southeastern Arizona in the late Pre-Classic Period, the Ak-Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and Tohono O'odham Nation, Arizona, have a closer cultural relationship and affiliation with these Pre-Classic Period sites within the ANAMAX-Rosemont Project.

Officials of the U.S. Department of Agriculture, Forest Service, Coronado National Forest have determined that, pursuant to 25 U.S.C. 3001 (3)(B), the three cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual. Officials of the U.S. Department of Agriculture, Forest Service, Coronado National Forest also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Ak-Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community

of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation, Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the unassociated funerary objects should contact Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, USDA Forest Service, 333 Broadway Blvd., SE, Albuquerque, NM 87102, telephone (505) 842–3238, before April 13, 2009. Repatriation of the unassociated funerary objects to the Ak-Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation, Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico may proceed after that date if no additional claimants come forward.

The U.S. Department of Agriculture, Forest Service, Coronado National Forest is responsible for notifying the Ak-Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation, Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: February 12, 2009

Sangita Chari,

Acting Manager, National NAGPRA Program.

[FR Doc. E9–5337 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items: U.S. Department of the Interior, National Park Service, San Juan Island National Historical Park, Friday Harbor, WA and Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the possession of the Thomas Burke Memorial Washington State Museum (Burke Museum), University of Washington, Seattle, WA, and in the control of the U.S. Department of the Interior, San Juan Island National Historical Park, Friday Harbor, WA, that meet the definition of ''unassociated funerary objects'' under 25 U.S.C 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the superintendent, San Juan Island National Historical Park.

This notice corrects the number of unassociated funerary objects reported in a Notice of Intent to Repatriate published in the **Federal Register** (73 FR 50989 – 50990, August 29, 2008). After the notice was published it was discovered that several unassociated funerary objects were counted twice.

In the **Federal Register** (73 FR 50989 – 50990, August 29, 2008), paragraph numbers 4–5 are corrected by substituting the following paragraphs:

Four objects were recovered in 1970 from the same stratum in which a burial was found. The human remains were transferred to the University of Idaho before being repatriated to the Lummi Tribe of the Lummi Reservation, Washington on June 26, 1991. The four funerary objects were transferred to the Burke Museum and accessioned by the National Park Service. The four unassociated funerary objects are one portion of a non-human mammalian limb bone, one basalt shatter fragment, one triangular basalt point fragment, and one ground abrader fragment.

The 1972 excavation recovered 28 objects that were associated with three burials. The human remains were transferred to the University of Idaho and subsequently repatriated to the Lummi Tribe of the Lummi Reservation, Washington on June 26, 1991. The funerary objects were transferred to the Burke Museum and accessioned by the National Park Service. The 28 unassociated funerary objects are 2 fish vertebrae, 1 antler tine fragment, 1 fused bird wing bone, 23 fragments of nonhuman bone, and 1 piece of fire modified rock.

Paragraph number 9 is corrected by substituting the following paragraph:

Officials of San Juan Island National Historical Park have determined that, pursuant to 25 U.S.C. 3001 (3)(B), the 281 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from specific burial sites of Native American individuals. Officials of San Juan Island National Historical Park also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Lummi Tribe of the Lummi Reservation, Washington.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the unassociated funerary objects should contact Peter Dederich, superintendent, San Juan Island National Historical Park, P.O. Box 429, Friday Harbor, WA 98250–04289, telephone (360) 378–2240, before April 13, 2009. Repatriation of the unassociated funerary objects to the Lummi Tribe of the Lummi Reservation, Washington may proceed after that date if no additional claimants come forward.

San Juan Island National Historical Park is responsible for notifying the Lummi Tribe of the Lummi Reservation, Washington; Samish Indian Tribe, Washington; and Swinomish Indians of the Swinomish Reservation, Washington that this notice has been published.

Dated: January 26, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9–5325 Filed 3–11–09; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF JUSTICE

National Institute of Corrections

Solicitation for a Cooperative Agreement: Document—A Guide to Developing a Jail Information System

AGENCY: National Institute of Corrections, Department of Justice.

ACTION: Solicitation for a Cooperative Agreement.

SUMMARY: The National Institute of Corrections, Jails Division, is seeking applications for the development of a document that provides jail administrators, managers, and technical support staff with a practical guide to developing and using a jail information system.

DATES: Applications must be received by 4 p.m. (EDT) on April 2, 2009.

ADDRESSES: Submit mailed applications to: Director, National Institute of Corrections, 320 First Street, NW., Room 5007, Washington, DC 20534. Applicants are encouraged to use

Federal Express, UPS, or a similar service to ensure delivery by the due date.

Submit hand-delivered applications to 500 First Street, NW., Washington, DC 20534. At the front desk, dial 7–3106, ext. 0 for pickup.

Faxed or e-mailed applications will not be accepted. Submit electronic applications via *http://www.grants.gov*.

FOR FURTHER INFORMATION CONTACT: Download a copy of this announcement from the NIC Web site at *http://www.nicic.gov*.

Direct all technical or programmatic questions concerning this announcement to Fran Zandi, Correctional Program Specialist, National Institute of Corrections. She can be reached by calling 1–800–995–6423, ext. 7–1070 or by e-mail at *fzandi@bop.gov*.

SUPPLEMENTARY INFORMATION:

Background: Each day jail administrators and practitioners routinely make decisions about jail management and operations that have a significant influence on resource acquisition and management, inmate supervision and behavior management, staffing levels, staff performance, planning for future jail construction, and population management. To make effective decisions, jail administrators and managers should have sufficient information to assess the issue at hand, identify their options, project the implications of those options, choose the best option that they can explain and justify clearly, and plan and implement the choice.

Accurate and timely information is essential not only to decisions about jail operations, but also to the work of the local criminal justice system. The jail is an integral part of this system, and jail practitioners must be able to provide information about the inmate population to criminal justice stakeholders as they develop strategies to manage the system to ensure its overall effectiveness and efficiency. Information is critical to decisionmaking, and jails must develop the analytic infrastructure needed to turn data into useful information.

NIC has produced documents in the past such as ''How to Collect and Analyze Data: A Manual for Sheriffs and Jail Administrators,'' ''Jail Crowding—Understanding Jail Population Dynamics,'' ''Objective Jail Classification: A Guide for Jail Administrators,'' and the three-part ''Budget Guide for Jail Administrators.'' Each of these documents provides specific information and instruction about a particular component of jail operations. The proposed document should not replicate the previous material but provide a framework for jurisdictions to develop an overall information system.

Objectives: The National Institute of Corrections wishes to produce a document that gives jail administrators, managers, and technical support staff guidance on defining an information system, identifying the decisions for which administrators need data, building a data collection plan, determining access to and distribution of the data, and planning for automation.

Document Audience: This guide is for use by jail administrators, managers, and technical support staff in jails of all sizes.

Use of Document: The document will be a practical guide for developing a comprehensive jail management information system.

Document Distribution: NIC expects to distribute the document widely. It will make the document available on the NIC Web site and through the NIC Information Center, upon request and free of charge.

Document Content: The document will be a clear, practical guide for jail administrators, managers, and technical support staff on defining, building, and using an information system. It must account for diversity among jails in terms of their relative size and resources. The document will include, at a minimum, (1) A description or definition of an information system. (Agencies often assume the term ''information system'' refers only to an automated system or computer system.) Researchers have well documented the benefit of collecting and analyzing data. Jurisdictions, however, have less success in developing a system that gathers critical data at specific intervals, uses the data for decisionmaking, and gives stakeholders access to the data in a well-designed manner. An information system must be more than a data repository. (2) Guidance on how to build a data collection plan or process. The document should outline the process in developing a data collection plan. Activities such as agreeing on a common strategy, addressing each participant's needs, building in accountability and quality assurance for data input, and understanding its limitations are necessary to developing a robust and sustainable plan. (3) Identification of the types of decisions for which data is needed, such as those relating to new jail planning, the implementation and effectiveness of inmate programs, staffing levels, budget needs, staff performance, inmate behavior management, inmate risk and needs assessment, and inmate population management. The document should lead jail practitioners to the realization that organized, quality data is essential to effective decisionmaking. (4) A brief discussion of statistics, how to interpret them, and how to turn data into usable information. The document should include an appendix with tools, forms, and supplementary materials that will assist jurisdictions in developing, implementing, and managing their information system. (5) Specific examples of how jails have used information systems successfully (brief case studies or other strategy). (6) Discussion of retention schedules. Although retention schedules vary from state to state, retaining paper documents and electronic material for a specific length of time is critical to the development of an information system. Although retention schedules most often refer to paper files and materials, the document should also address electronic storage. (7) Guidance on broadening the use of data management throughout the larger criminal justice system. The jail is one component of the criminal justice system, but it can provide critical data to criminal justice stakeholders as they grapple with planning and policy development. (8) Guidance on preparing for automation. Jurisdictions are often ill equipped to evaluate and select an automated system and may be unsatisfied with the results. Changing or modifying business practices is just one component of preparing for automation that is overlooked or misunderstood. The document should assist jurisdictions in identifying possible barriers to successful automation. (9) A glossary of terms applicable to this project.

Project Description: The awardee will produce a completed document that has received initial editing from a professional editor. NIC will be responsible for the final editing process and document design, but the awardee will remain available during this time to answer questions and revise to the document as necessary.

Project Schedule: The following list shows the major activities required to complete the project. Document development will begin upon award of this agreement and must be completed 18 months after the award date. The schedule for completion of activities should include, at a minimum, meeting with an NIC project manager for an overview of the project and initial planning; reviewing materials that NIC provides; completing the initial outline of document content and layout; meeting with an NIC project manager to

review, discuss, and agree on a content outline; researching content topics and related resources; submitting draft sections of the document to NIC for review; revising draft sections for NIC's approval; submitting the document to an editor that the awardee has hired for first content edit; submitting a draft of the entire document to NIC for review; revising the document for NIC's approval; and submitting the document to NIC in hard copy and on disk in Microsoft Word 1997–2003 format.

Throughout the project period, the awardee should make provisions for meetings with NIC staff, to be held in Washington, DC, at critical planning and review points in document's development.

Document Preparation: For all awards in which a document will be a deliverable, the awardee must follow the Guidelines for Preparing and Submitting Manuscripts for Publication as found in the ''General Guidelines for Cooperative Agreements,'' which will be included in the award package.

Application Requirements: An application package must include OMB Standard Form 424, Application for Federal Assistance; a cover letter identifying the audit agency responsible for the applicant's financial accounts as well as the audit period or fiscal year that the applicant operates under (e.g., July 1 through June 30); and an outline of projected costs. The following additional forms must also be included: OMB Standard Form 424A, Budget Information—Non-Construction Programs; OMB Standard Form 424B, Assurances—Non-Construction Programs (both available at *http://www.grants.gov*) and DOJ/NIC Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and the Drug-Free Workplace Requirements (available at *http://www.nicic.gov/Downloads/PDF/certif-frm.pdf*).

The application should be written concisely, typed double-spaced, and reference the NIC application number and title provided in this announcement.

If you are hand delivering or submitting an application via Fed-Ex, please include an original and three copies of your full proposal (program and budget narrative, application forms, and assurances). The original should have the applicant's signature in blue ink. As previously stated, electronic submissions will only be accepted via *http://www.grants.gov.*

The narrative portion of the application should include, at a minimum, a brief paragraph indicating the applicant's understanding of the purpose of the document and the issues to be addressed; a brief paragraph summarizing the project's goals and objectives; a clear description of the methodology that will be used to complete the project and achieve its goals; a statement or chart of measurable project milestones and timelines for completing each milestone; a description of the qualifications of the applicant organization and a resume for the principle and each staff member assigned to the project that documents relevant knowledge, skills, and ability to carry out the project; a minimum of three references for which the applicant has provided similar service; a budget that details all costs for the project, showing consideration for all contingencies for this project, and notes a commitment to work within the proposed budget; and a sample of at least one document completed by the applicant.

Applicants must specify their role in the production of the sample document(s).

Authority: Public Law 93–415.

Funds Available: NIC is seeking applicants' best ideas regarding accomplishments of the scope of work and the related costs for achieving the goals of this solicitation. Awardees may use funds only for the activities linked to the desired outcome of the project.

Eligibility of Applicants: Applications are solicited from any state or general unit of local government, private agency, educational institution, organization, individual or team with expertise in the described areas. Applicants must have demonstrated ability to implement a project of this size and scope.

Review Considerations: A team of NIC staff will review all applications.

Among the criteria to evaluate the applications are an indication of a clear understanding of the project requirements; background, experience, and expertise of the proposed project staff, including any subcontractors; effectiveness of the creative approach to the project; clear, concise description of all elements and tasks of the project, with sufficient and realistic timeframes necessary to complete the tasks; technical soundness of project design and methodology; financial and administrative integrity of the proposal, including adherence to federal financial guidelines and processes; a sufficiently detailed budget that shows consideration of all contingencies for this project and commitment to work within the budget proposed; working knowledge of jails and jail and criminal justice information systems; and availability to meet with NIC staff.

Note: NIC will NOT award a cooperative agreement to an applicant who does not have a Dun and Bradstreet Database Universal Number (DUNS) and is not registered in the Central Contractor Registry (CCR).

Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1–800–333–0505 (if you are a sole proprietor, dial 1–866–705–5711 and select option 1).

Applicants may register in the CCR online at the CCR Web site: *http://www.ccr.gov.* A CCR handbook and worksheet can also be reviewed at the Web site.

Number of Awards: One.

Applicants' Conference: An applicants' conference will be held on March 25, 2009 from 1 p.m. to 3 p.m. (EDT) at the NIC office, 500 1st Street, NW., 7th Floor, Washington, DC. The conference will give applicants the opportunity to meet with NIC project staff to ask questions about the project and the application procedures. Attendance at the conference is optional, and those who will be unable to attend in person may request a telephone conference instead. Applicants who plan to attend or who would like to participate via telephone should call Fran Zandi, NIC Jails Division, Correctional Program Specialist, at 1–800–995–6423, ext. 7–1070 by 4:30 p.m. (EDT) on March 20, 2009 to confirm attendance.

NIC Application Number 09J68.

Catalog of Federal Domestic Assistance Number: 16.601

Executive Order 12372: This project is not subject to the provisions of Executive Order 12372.

Thomas J. Beauclair,

Deputy Director, National Institute of Corrections.

[FR Doc. E9–5406 Filed 3–11–09; 8:45 am]

BILLING CODE 4410–36–P

DEPARTMENT OF LABOR

Office of the Secretary

Proposed Information Collection Extension Without Change for Three Primary and Two Secondary Data Collection Instruments Used To Collect Follow-up Data About Individuals Who Are No Longer Actively Participating in Job Corps, But Had Graduated From Job Corps, or Had Been in the Program at Least 60 Days and Left Before Completing Graduation Requirements (Former Enrollees): Comment Request

AGENCY: Office of Job Corps.

ACTION: 60-day notice of information collection under review: OMB Control No. 1205–0426.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Job Corps is soliciting comments concerning the collection of data for post-center surveys of Job Corps graduates and former enrollees (OMB Control Number 1205–0426).

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice or by accessing: *http://www.doleta.gov/OMBCN/OMBControlNumber.cfm.*

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section on or before May 11, 2009.

ADDRESSES: Submit written comments to Aquila Branch, Room N–4507, Office of Job Corps, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone number: 202–693–3211 (this is not a toll free number). Fax: 202–693–2767. E-mail: *branch.aquila@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Job Corps is an intensive, residential training program for at-promise youth age 16 through 24 to address multiple barriers to employment faced by youth throughout the United States. Job Corps is authorized by Title I, Subtitle C, of the Workforce Investment Act (WIA) of 1998. The program is principally carried out through a nationwide network of 122 Job Corps centers. The centers are located at facilities either owned or leased by the Federal Government. The Department has a direct role in the operation of Job Corps, and does not serve as a pass-through agency for this program. It is the Department's responsibility to establish Job Corps centers and to select operators for them. Of the 122 current centers, 28 are operated by the Departments of Agriculture and the Interior, through interagency agreements. These centers are located on Federal lands controlled by these two agencies. The remaining 94 centers are managed and operated by large and small corporations and nonprofit organizations selected by the Department in accordance with the Federal Acquisition Regulations, and in most cases through a competitive procurement process. Many of the current contractors manage and operate more than one center.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

III. Current Actions

This submission requests approval of three primary and two secondary data collection instruments that will be used to collect follow-up data about individuals who are no longer actively participating in Job Corps. These youths either graduated from Job Corps or stayed in the program at least 60 days but left before completing graduation requirements (former enrollees). These data collection activities will be conducted with the following groups of recent Job Corps participants:

- Former enrollees who were placed in a job or school program. This group will be contacted 90 days after separation.
- Graduates who were placed in a job or school program. This group will be contacted 90 days after initial placement.
- Graduates who were placed in a job or school program. This group will be contacted 6 months after initial placement.
- Graduates who were placed in a job or school program. This group will be contacted 12 months after initial placement.

The data collection instrument for graduates 90 to 120 days after their initial placement is called Interim Checkpoint for Eligibility (ICFE). Administration of the ICFE at this time will facilitate the key data collection at 6 and 12 months. This submission also requests approval for two brief questionnaires (one for employers and one for schools or training institutions) that will be used to collect reverification data about initial placement for the subset of placed graduates and former enrollees that cannot be contacted directly.

To maximize the comparability of the data collected from the different subgroups of students, the ICFE, the 90-day follow-up for former enrollees, and the 6-month and 12-month follow-up sections of the data collection instruments use modules with identical sets of questions on the same topics. The questions are designed to obtain:

- Data to reverify the initial job or school placements of placed graduates and former enrollees (only in the instruments administered at 90 days and the ICFE).
- Information about employment experiences in the previous week.
- Information about educational experiences in the previous week.
- Summary information about the work, school, and job search activities of those who were neither working nor in school the previous week.
- Information about satisfaction with the services provided by Job Corps.

Type of Review: Extension without Change.

Agency: Office of the Secretary, U.S. Department of Labor.

Title: Job Corps Placement Verification and Follow-up of Job Corps Participants.

OMB Number: 1205–0426.

Agency Numbers: N/A.

Recordkeeping: The respondent is not required to retain records; Career Transition Service providers and center staff are required to retain records of graduates and former enrollees, who are placed in a job, further education or military service, for three years.

Affected Public: Individual or households and Business/Education for profit institutions.

This data collection is envisioned as an annual process that will support the administration of approximately 73,373 Job Corps telephone interviews that, on average, are 10 to 15 minutes in duration. The combined reporting burden for respondents associated with

this data collection effort is anticipated to be about 15,593 hours. (See Table 1 below.)

TABLE 1—ESTIMATES OF RESPONDENT BURDEN

Respondent category	Number of respondents	Average time (hours) per respondent	Estimated hours
Placed Former Enrollees at 90 days	1,824	0.25	456
Placed Graduates at 90–120 days	21,330	0.25	5,333
Placed Graduates at Six Months	22,420	0.20	4,484
Placed Graduates at 12 Months	19,794	0.20	3,959
Employer/Institution Re-Verification	8,005	0.17	1,361
Total	73,373		15,593

Total Respondents: 73,373.

Estimated Total Burden Hours: 15,593.

Total Burden Cost (capital/startup): N/A.

Total Burden Cost (operating/maintaining): The estimated cost of funding this data collection effort in 2008 was $2,712,035. This estimate includes the ongoing maintenance of the infrastructure needed to administer the CATI system, ongoing data communication to and from the Job Corps Data Center, data collection using telephone interviews from trained staff who are non-Job Corps employees, data processing including coding of occupational and industry information, and preparation of summary data tabulations. Supervision of this total system is also included here.

There are no costs to the respondents for participating in this survey. All telephone or postage costs for contacting the respondents are borne by the Federal government through the data collection contractors.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Esther R. Johnson,

Administrator, Office of Job Corps.

[FR Doc. E9–5320 Filed 3–11–09; 8:45 am]

BILLING CODE 4510–FT–P

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Extension of the Approval of Information Collection Requirements

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning its proposal to extend OMB approval of the information collection: Health Insurance Claim Form (OWCP–1500). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before May 11, 2009.

ADDRESSES: Mr. Steven D. Lawrence, U.S. Department of Labor, 200 Constitution Ave., NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0292, fax (202) 693–1451, e-mail *Lawrence.Steven@dol.gov.* Please use only one method of transmission for comments (mail, fax, or e-mail).

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Workers' Compensation Programs (OWCP) is the agency responsible for administration of the Federal Employees' Compensation Act (FECA), 5 U.S.C. 8101 *et seq.*, the Black Lung Benefits Act (BLBA), 30 U.S.C. 901 *et seq.*, and the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. 7384 *et seq.* All three of these statutes require that OWCP pay for medical treatment of beneficiaries; BLBA also requires that OWCP pay for medical examinations and related diagnostic services to determine eligibility for benefits under that statute. Form OWCP–1500 is used by OWCP and contractor bill payment staff to process bills for medical services provided by medical professionals other than medical services provided by hospitals, pharmacies and certain other medical providers. To consider the appropriateness of the requested payment in a timely fashion, it is essential that provider bills be submitted on a standard form that will capture the critical data elements needed to evaluate the bill, such as procedure and diagnosis codes.

This information collection is currently approved for use through October 31, 2009.

II. Review Focus

The DOL is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

III. Current Actions

The DOL seeks the approval for the extension of this currently approved information collection. *Type of Review:* Extension.

Agency: Employment Standards Administration.

Title: Health Insurance Claim Form (OWCP–1500).

OMB Number: 1215–0055.

Agency Number: OWCP–1500.

Affected Public: Individuals or households, businesses or other for-profit.

Total Respondents: 749,104.

Total Responses: 2,996,416.

Time per Response: 7 minutes.

Frequency: On occasion and annually.

Estimated Total Burden Hours: 359,358.

Total Burden Cost (Capital/Startup): $0.

Total Burden Cost (Operating/Maintenance): $5,368,809.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 9, 2009.

Hazel Bell,

Acting Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. E9–5368 Filed 3–11–09; 8:45 am]

BILLING CODE 4510–CF–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request; Submitted for Public Comment and Recommendations; Roof Control Plan

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. The program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the extension of the information collection related to the 30 CFR

75.215—Longwall mining systems;
75.220—Roof control plan;
75.221—Roof control plan information;
75.222—Roof control plan-approval criteria; and
75.223—Evaluation and revision of roof control plan.

DATES: Interested parties should submit comments on or before May 11, 2009.

ADDRESSES: Send comments to, Debbie Ferraro, Management Services Division, 1100 Wilson Boulevard, Room 2141, Arlington, VA 22209–3939. Commenters are encouraged to send their comments on computer disk, or via e-mail to *Ferraro.Debbie@DOL.GOV.* Ms. Ferraro can be reached at (202) 693–9821 (voice), or (202) 693–9801 (facsimile). Because of potential delays in receipt and processing of mail, respondents are strongly encouraged to submit comments electronically to ensure timely receipt. We cannot guarantee that comments mailed will be received before the comment closing date.

FOR FURTHER INFORMATION CONTACT: Contact the employee listed in the **ADDRESSES** section of this notice.

SUPPLEMENTARY INFORMATION:

I. Background

Section 302(a) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 846, requires that a roof control plan and revisions thereof suitable to the roof conditions and mining system of each coal mine be first approved by the Secretary of Labor (Secretary) before implementation by the operator. The plan must show the type of support and spacing approved by the Secretary, and the plan must be reviewed at least every 6 months by the Secretary.

Under 30 CFR 75.221, the information required to be submitted and approved in the roof control plan includes the following: (1) The name and address of the company; (2) the name, address, mine identification number, and location of the mine; (3) the name and title of the company official responsible for the plan; (4) a description of the mine strata; (5) a description and drawings of the sequence of installation and spacing of supports for each method of mining used; (6) the maximum distance that an ATRS system is to be set beyond the last row of permanent support (if appropriate); (7) specifications and installation procedures for liners or arches (if appropriate); (8) drawings indicating the planned width of openings, size of pillars, method of pillar recovery, and the sequence of mining pillars; (9) a list of all support materials required to be used in the roof, face and rib control system; (10) the intervals at which test holes will be drilled (if appropriate); and (11) a description of the methods to be used for the protection of persons. Under 30 CFR 75.215, the roof control plan for each longwall mining section is required to specify the methods that will be used to maintain a safe travelway out of the section through the tailgate side of the longwall and the procedures that will be followed if a ground failure prevents travel out of the section through the tailgate side of the longwall.

II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection requirement related to Roof Control Plans. MSHA is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of MSHA's functions, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Address the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (e.g., permitting electronic submissions of responses) to minimize the burden of the collection of information on those who are to respond.

A copy of the proposed information collection request can be obtained by contacting the employee listed in the **ADDRESSES** section of this notice or viewed on the Internet by accessing the MSHA home page (*http://www.msha.gov/*) and selecting ''Rules & Regs'', and then selecting ''FedReg. Docs''. On the next screen, select ''Paperwork Reduction Act Supporting Statement'' to view documents supporting the **Federal Register** Notice.

III. Current Actions

Falls of roof, face and rib continue to be a cause of injuries and death in underground coal mines. All

underground coal mine operators are required to develop and submit roof control plans to MSHA for evaluation and approval. These plans provide the means to instruct miners, who install roof supports, and the minimum requirements and placement of roof supports. The plan also provides a reference for mine supervisors to assist them in compliance with the plan requirements. In that regard the plan is a working document for the miners.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Roof Control Plan.

OMB Number: 1219–0004.

Recordkeeping: Indefinite.

Frequency: On occasion.

Affected Public: Business or other for-profit.

Total Number of Responses: 3,516.

Total Burden Hours: 12,813.

Total Burden Cost (operating/maintaining): $7,020.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated at Arlington, Virginia, this 3rd day of March 2009.

John Rowlett,

Director, Management Services Division.

[FR Doc. E9–5289 Filed 3–11–09; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

Notice: (09–026).

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Dr. Walter Kit, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dr. Walter Kit, NASA Clearance Officer, NASA Headquarters, 300 E Street, SW., JF000, Washington, DC 20546, (202) 358–1350, *Walter.Kit-1@nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection is required by NASA FAR Supplement clause 1852.219–85 and supports recertification of eligibility of compliance with SBIR/STTR program requirements.

II. Method of Collection

The SBIR/STTR contractor may submit the required recertification electronically, unless the cognizant NASA Contracting Officer requires the recertification to be submitted via hard copy. Approximately 50% of the responses are collected electronically.

III. Data

Title: SBIR/STTR Contractor Recertification.

OMB Number: 2700–0124.

Type of Review: Revision of currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 423.

Estimated Time per Response: 0.50 hr.

Estimated Total Annual Burden Hours: 212.

Estimated Total Annual Cost: $0.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Walter Kit,

NASA Clearance Officer.

[FR Doc. E9–5304 Filed 3–11–09; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

Notice: (09–029).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Dr. Walter Kit, NASA Clearance Officer, Office of the Chief Information Officer, JF000, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dr. Walter Kit, NASA Clearance Officer, Office of the Chief Information Officer, NASA Headquarters, 300 E Street, SW., Mail Code JF000, Washington, DC 20546, (202) 358–1350, *walter.kit-1@nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This information collection is used to assess the contribution of NASA Small Business Innovation Research (SBIR) technology to the National Economy in accordance with the Government Performance and Results Act (GPRA).

II. Method of Collection

The survey will be electronic and is available on NASA's SBIR Web site at *http://www.sbir.nasa.gov/SBIR/survey.html.* Electronic submission of the subject information is available to 100% of all surveyed firms.

III. Data

Title: NASA Small Business Innovation Research Commercial Metrics.

OMB Number: 2700–0095.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 1,000/once every 3 years.

Estimated Total Annual Burden Hours: 200.

Estimated Total Annual Cost: $11,000.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Walter Kit,

NASA Clearance Officer.

[FR Doc. E9–5396 Filed 3–11–09; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

Notice: (09–028).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Dr. Walter Kit, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dr. Walter Kit, NASA Clearance Officer, NASA Headquarters, 300 E Street, SW., JF000, Washington, DC 20546, (202) 358–1350, *Walter.Kit-1@nasa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Aeronautics and Space Administration (NASA) is requesting approval for a new collection that will be used to collect ideas, on a voluntary basis, from the general public about ways to fulfill NASA's technology development challenges.

II. Method of Collection

This set of Web-based forms will facilitate the voluntary collection of challenging ideas from the public.

III. Data

Title: Centennial Challenges Idea Submission Web Forms.

OMB Number: 2700–0119.

Type of review: Extension of currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 300.

Estimated Time per Response: 0.25 hours.

Estimated Total Annual Burden Hours: 75.

Estimated Total Annual Cost: $0.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Walter Kit,

NASA Clearance Officer.

[FR Doc. E9–5401 Filed 3–11–09; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before April 13, 2009. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting the Life Cycle Management Division (NWML) using one of the following means:

Mail: NARA (NWML), 8601 Adelphi Road, College Park, MD 20740–6001.

E-mail: request.schedule@nara.gov.

FAX: 301–837–3698.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Laurence Brewer, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: 301–837–1539. E-mail: *records.mgt@nara.gov.*

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape,

and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless specified otherwise. An item in a schedule is media neutral when the disposition instructions may be applied to records regardless of the medium in which the records are created and maintained. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is limited to a specific medium. (See 36 CFR 1228.24(b)(3).)

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of Agriculture, Food Safety and Inspection Service (N1–462–04–21, 1 item, 1 temporary item). Master files of an electronic information system used to track the inspection of animal carcasses for diseases and other conditions that may result in the animal being condemned as unfit for human consumption. The proposed disposition instructions are limited to electronic records.

2. Department of Defense, Army and Air Force Exchange Service (N1–334–09–1, 2 items, 2 temporary items). Registers used to record and control the assignment of form numbers.

3. Department of Homeland Security, Office of the General Counsel (N1–563–08–33, 13 items, 11 temporary items). Administrative appeals and hearings case files, application files received by the Board of Correction of Military Records, copies of documents produced in response to Congressional information requests, disclosure and prohibited personnel practices complaints case files, administrative record files for non-significant regulatory actions, working papers associated with all administrative record files, informational law and intellectual property files, non-significant legal matters advice and analysis files, legislation monitoring files for bills not enacted into law, non-significant litigation case files, and potential claims files. Proposed for permanent retention are administrative record files for significant regulatory actions and legal history files, which consist of records relating to significant legal matters, monitoring of bills enacted into law, and significant litigation case files.

4. Department of Homeland Security, Office of Security (N1–563–09–1, 2 items, 2 temporary items). Master files and outputs of an electronic information system used to manage and vet foreign visitors to agency facilities.

5. Department of Homeland Security, Office of Security (N1–563–09–2, 2 items, 2 temporary items). Master files of an electronic information system used in connection with background screenings, threat assessments, and badging of visitors to agency facilities.

6. Department of Homeland Security, National Protection and Programs Directorate (N1–563–08–26, 1 item, 1 temporary item). Master files of an electronic information system that contains data concerning the operational bombing prevention and response capabilities of Federal, state, and local first responders.

7. Department of Homeland Security, National Protection and Programs Directorate (N1–563–08–28, 2 items, 2 temporary items). Master files of an electronic information system that tracks how terrorist groups design, manufacture, and deploy improvised explosive devices.

8. Department of the Interior, Office of the Secretary (N1–48–08–24, 1 item, 1 temporary item). Master files of an electronic information system that contains data used for performance reporting under the Government Performance and Results Act.

9. Joint Staff, Office of the Chairman (N1–218–09–2, 1 item, 1 temporary item). Master files of an electronic information system that contains data concerning gifts given by the Chairman, such as names of recipients, descriptions of gifts, and vendor information.

10. Department of Justice, Civil Division (N1–60–09–10, 1 item, 1 temporary item). Master files of an electronic information system used to manage the creation, location, content, and disposition of division litigation case files.

11. Department of Justice, Bureau of Prisons (N1–129–09–17, 1 item, 1 temporary item). Master files of an electronic information system that contains data concerning individuals approved to correspond with inmates.

12. Department of Justice, Federal Bureau of Investigation (N1–65–09–7, 2 items, 2 temporary items). Laboratory Division training records, including administrative records and records relating to the Annual Crime Laboratory Development Symposium.

13. Department of Justice, Federal Bureau of Investigation (N1–65–09–8, 9 items, 9 temporary items). Human resources records, including files relating to career management and to the work life program, chaplains' program, and crisis preparation and intervention program.

14. Department of the Treasury, Internal Revenue Service (N1–58–09–7, 2 items, 2 temporary items). Case files and electronic data that relate to financial obligations of agency employees and the garnishment of employee salaries.

15. Department of the Treasury, Internal Revenue Service (N1–58–09–9, 1 item, 1 temporary item). Comment cards used by taxpayers to provide customer feedback to Field Assistance offices.

Dated: March 5, 2009.

Michael J. Kurtz,

Assistant Archivist for Records Services—Washington, DC.

[FR Doc. E9–5382 Filed 3–11–09; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Comment Request: Biological Sciences Proposal Classification Form

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to renew clearance of this collection. In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting OMB clearance of this collection for no longer than 3 years.

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

DATES: Written comments should be received by May 11, 2009 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Rm. 295, Arlington, VA 22230, or by e-mail to *splimpto@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton on (703) 292–7556 or send e-mail to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title of Collection: ''Biological Sciences Proposal Classification Form''.

OMB Approval Number: 3145–0203.

Expiration Date of Approval: August 31, 2009.

Type of Request: Intent to seek approval to renew an information collection for three years.

Proposed Project: Five organizational units within the Directorate of Biological Sciences of the National Science Foundation will use the Biological Sciences Proposal Classification Form. They are the Division of Biological Infrastructure (DBI), the Division of Environmental Biology (DEB), the Division of Molecular and Cellular Biosciences (MCB), the Division of Integrative Organismal Systems IOS) and Emerging Frontiers (EF). All scientists submitting proposals to these units will be asked to complete an electronic version of the Proposal Classification Form. The form consists of brief questions about the substance of the research and the investigator's previous Federal support. Each division will have a slightly different version of the form. In this way, submitters will only confront response choices that are relevant to their discipline.

Use of the Information: The information gathered with the Biological Sciences Proposal Classification Form serves two main purposes. The first is facilitation of the proposal review process. Since peer review is a key component of NSF's grant-making process, it is imperative that proposals are reviewed by scientists with appropriate expertise. The information collected with the Proposal Classification Form helps ensure that the proposals are evaluated by specialists who are well versed in appropriate subject matter. This helps maintain a fair and equitable review process.

The second use of the information is program evaluation. The Directorate is committed to investing in a range of substantive areas. With data from this collection, the Directorate can calculate submission rates and funding rates in specific areas of research. Similarly, the information can be used to identify emerging areas of research, evaluate changing infrastructure needs in the research community, and track the amount of international research. As the National Science Foundation is committed to funding cutting-edge science, these factors all have implications for program management.

The Directorate of Biological Sciences has a continuing commitment to monitor its information collection in order to preserve its applicability and necessity. Through periodic updates and revisions, the Directorate ensures that only useful, non-redundant information is collected. These efforts will reduce excessive reporting burdens.

Burden on the Public: The Directorate estimates that an average of five minutes is expended for each proposal submitted. An estimated 6,500 responses are expected during the course of one year for a total of 542 public burden hours annually.

Expected Respondents: Individuals.

Estimated Number of Responses: 6,500.

Estimated Number of Respondents: 6,500.

Estimated Total Annual Burden on Respondents: 542 hours.

Frequency of Responses: On occasion.

Dated: March 9, 2009.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. E9–5347 Filed 3–11–09; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2008–0621]

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** Notice with a 60-day comment period on this information collection on December 10, 2008.

1. *Type of Submission, New, Revision, or Extension:* Extension.

2. *The Title of the Information Collection:* 10 CFR Part 30—Rules of General Applicability to Domestic Licensing of Byproduct Material. *Current OMB Approval Number:* 3150–0017.

3. *The Form Number if Applicable:* N/A.

4. *How Often the Collection is Required:* Required reports are collected and evaluated on a continuing basis as events occur. There is a one-time submittal of information to receive a license. Renewal applications are submitted every 10 years. Information submitted in previous applications may be referenced without being resubmitted. In addition, recordkeeping must be performed on an on-going basis.

5. *Who Will be Required or Asked to Report:* All persons applying for or holding a license to manufacture, produce, transfer, receive, acquire, own, possess, or use radioactive byproduct material.

6. *An Estimate of the Number of Annual Responses:* 38,407 (6,623 NRC Licensee responses (2,754 Responses + 3,869 Recordkeepers) and 31,784 Agreement State Licensee responses (13,213 Responses + 18,571 Recordkeepers)).

7. *The Estimated Number of Annual Respondents:* 22,440 (3,869 NRC licensees and 18,571 Agreement State licensees).

8. *An Estimate of the Total Number of Hours Needed Annually to Complete the Requirement or Request:* 314,844 (NRC licensees 54,250 hours (24,633 reporting + 29,617 recordkeeping) and Agreement State licensees 260,594 hours (118,597 reporting + 141,997 recordkeeping)).

9. *Abstract:* 10 CFR Part 30 establishes requirements that are applicable to all persons in the United States governing domestic licensing of radioactive byproduct material. The application, reporting and recordkeeping requirements are necessary to permit the NRC to make a determination whether the possession, use, and transfer of byproduct material is in conformance with the Commission's regulations for protection of the public health and safety.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by April 13, 2009. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Christine Kyme, Office of Information and Regulatory Affairs (3150–0017), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to *ckymn@omb.eop.gov* or submitted by telephone at (202) 395–4638.

The NRC Clearance Officer is Gregory Trussell, (301) 415–6445.

Dated at Rockville, Maryland, this 4th day of March 2009.

For the Nuclear Regulatory Commission.

Gregory Trussell,

NRC Clearance Officer, Office of Information Service.

[FR Doc. E9–5359 Filed 3–11–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0107]

Draft Regulatory Guide: Issuance, Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance and availability of Draft Regulatory Guide, DG–1204.

FOR FURTHER INFORMATION CONTACT: James Gaslevic, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: (301) 415–2776 or e-mail to *James.Gaslevic@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft guide in the agency's ''Regulatory Guide'' series. This series was developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The draft regulatory guide (DG), entitled, ''Guidance for ITAAC Closure under 10 CFR Part 52,'' is temporarily identified by its task number, DG–1204, which should be mentioned in all related correspondence. DG–1204 describes a method that the staff of the NRC considers acceptable for use in satisfying the requirements for documenting the completion of inspections, tests, analyses, and acceptance criteria (ITAAC). In particular, DG–1204 endorses the provisions in the industry guidance document Nuclear Energy Institute (NEI) 08–01, ''Industry Guideline for the ITAAC Closure Process Under 10 CFR Part 52,'' Revision 3, issued December 2008, for the implementation of Title 10, § 52.99, ''Inspection during construction,'' of the *Code of Federal Regulations* (10 CFR 52.99). In 10 CFR 52.99, the NRC included requirements for the process of documenting and reporting satisfaction of the acceptance criteria for each ITAAC listed in the combined license (COL) and accompanying design certification.

The objectives of DG–1204 are to provide guidance to help licensees make notifications to the NRC for completed and uncompleted ITAAC. The NRC uses these notifications for inspection planning and public hearing purposes. DG–1204 describes methods that the NRC staff considers acceptable for licensees to use for documenting and reporting the satisfactory completion of the acceptance criteria for each ITAAC listed in the COL and accompanying design certification. DG–1204, through its endorsement of an industry guidance document for licensees, provides guidance on complying with the requirements of 10 CFR 52.99.

II. Further Information

The NRC staff is soliciting comments on DG–1204. Comments may be accompanied by relevant information or supporting data and should mention DG–1204 in the subject line. Comments submitted in writing or in electronic form will be made available to the public in their entirety through the NRC's Agencywide Documents Access and Management System (ADAMS).

Personal information will not be removed from your comments. You may submit comments by any of the following methods:

1. Mail comments to: Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

2. E-mail comments to: *nrcrep.resource@nrc.gov*

3. Fax comments to: Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 492–3446.

Requests for technical information about DG–1204 may be directed to the NRC contact, James Gaslevic at (301) 415–2776 or e-mail to *James.Gaslevic@nrc.gov.*

Comments would be most helpful if received by May 13, 2009. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before

this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of DG–1204 are available through the NRC's public Web site under Draft Regulatory Guides in the ''Regulatory Guides'' collection of the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/doc-collections/*. Electronic copies are also available in ADAMS *(http://www.nrc.gov/reading-rm/adams.html),* under Accession No. ML082960039.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR), which is located at 11555 Rockville Pike, Rockville, Maryland. The PDR's mailing address is USNRC PDR, Washington, DC 20555–0001. The PDR can also be reached by telephone at (301) 415–4737 or (800) 397–4205, by fax at (301) 415–3548, and by e-mail to *pdr.resource@nrc.gov.*

Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

Dated at Rockville, Maryland, this 5th day of March, 2009.

For the Nuclear Regulatory Commission.

Andrea D. Valentin,

Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. E9–5358 Filed 3–11–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–36482; NRC–2009–0108]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for Amendment of Byproduct Materials License No. 24–32439–01, for Unrestricted Release of a Facility in Creve Coeur, MO

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

FOR FURTHER INFORMATION CONTACT: Peter J. Lee, Ph.D., CHP, Health Physicist, Materials Control, ISFSI, and Decommissioning Branch, Division of Nuclear Materials Safety, Region III, U.S. Nuclear Regulatory Commission, 2443 Warrenville Road, Lisle, Illinois 60532; telephone: (630) 829–9870; fax number: (630) 515–1259; or by e-mail at *Peter.Lee@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend Byproduct Materials License No. 24–32439–01. This license is held by the Pharmacia Corporation (the Licensee) for its facilities located at 800 North Lindbergh Boulevard, Creve Coeur, Missouri, 700 Chesterfield, St. Louis, Missouri, and 645 South Newstead Avenue, St. Louis, Missouri. Issuance of the amendment would authorize release of the Creve Coeur facility (the Facility) for unrestricted use. The Licensee requested this action in a letter dated January 15, 2009. 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 January 15, 2009, license amendment request, resulting in release of the Facility for unrestricted use. License No. 24–32439–01 was issued on April 8, 2004, pursuant to 10 CFR part 30, and has been amended periodically since that time. The license authorizes the use of by-product materials for laboratory research and development including animal studies. The licensee ceased using licensed materials in the Facility in 2008. The Licensee has conducted final status surveys of the Facility. The results of these surveys along with other supporting information were provided to the NRC to demonstrate that the criteria in subpart E of 10 CFR part 20 for unrestricted release have been met.

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 hydrogen-3, carbon-14, phosphorus-32, phosphorus-33, sulfur-35, calcium-45, chromium-51, and iodine-125. 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 completed final status surveys on the Facility on January 5, 2009. The surveys covered all areas of the Facility. The final status survey report was attached to the Licensee's amendment request dated January 15, 2009. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by using the screening values described in NUREG–1757, ''Consolidated Decommissioning Guidance,'' Volume 2 as the radionuclide-specific derived concentration guideline levels (DCGLs). These values provide acceptable levels of surface contamination to demonstrate compliance with the NRC requirements in subpart E of 10 CFR part 20 for unrestricted release. The Licensee's final status survey results were below these values 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 available docket file records and the survey results 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 issuance of the proposed amendment authorizing release of the Facility for unrestricted use is in compliance with 10 CFR part 20. 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 Missouri Department of Health and Senior Services for review on February 18, 2009. By response dated February 20, 2009, the State agreed with the conclusions of the EA, and otherwise provided 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. Kevin J. Sharkey, Pharmacia Corporation, letter dated January 15, 2009, (ADAMS Accession No. ML090200063);

2. Title 10 Code of Federal Regulations, Part 20, Subpart E, ''Radiological Criteria for License Termination;''

3. Title 10 Code of Federal Regulations, Part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;''

4. NUREG–1496, ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities;''

5. NUREG–1757, ''Consolidated Decommissioning Guidance''.

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to pdr@nrc.gov. These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Lisle, Illinois, this 2nd day of March, 2009.

For the Nuclear Regulatory Commission.

Christine Lipa,

Chief Materials Control, ISFSI, and Decommissioning Branch, Division of Nuclear Materials Safety, Region III.

[FR Doc. E9–5356 Filed 3–11–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0106]

Proposed Generic Communications; Protection of Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of opportunity for public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to issue a regulatory issue summary (RIS) to remind all stakeholders of the significant changes to Title 10 of the Code of Federal Regulations 10 CFR 73.21, 73.22 and 73.23. Previously, many licensees, applicants, certificate holders, or other persons were issued Orders in the aftermath of the terrorist attacks of September 11, 2001, that required them to protect certain detailed information designated as SGI or SGI–M. Further Orders were issued by the NRC after the enactment of the Energy Policy Act of 2005 (EPAct), which expanded the NRC's fingerprinting authority with respect to access to SGI. This RIS provides clarifying information of the impact of the new rule (effective date February 23, 2009).

This Federal Register notice is available through the NRC's Agencywide Documents Access and Management System (ADAMS) under accession number ML090630662.

DATES: Comment period expires April 13, 2009. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: Submit written comments to the Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Mail Stop TWB 5B01M, Washington, DC 20555–0001, and cite the publication date and page number of this **Federal Register** notice.

FOR FURTHER INFORMATION CONTACT: Robert Norman, at 301–415–2278 or by e-mail at *robert.norman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

NRC Regulatory Issue Summary 2009–XX

Implementation of New Final Rule, Protection of Safeguards Information

Addressees

Each NRC licensee, certificate holder, applicant, or other person who produces, receives, or acquires Safeguards Information.

Intent

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to remind all stakeholders of the significant changes to Title 10 of the Code of Federal Regulations 10 CFR 73.21, 73.22 and 73.23. This RIS provides clarifying information of the impact of the new rule (effective date February 23, 2009). This RIS requires no action or written response on the part of an addressee.

Background

Previously, many licensees, applicants, certificate holders, or other persons were issued Orders in the aftermath of the terrorist attacks of September 11, 2001, that required them to protect certain detailed information designated as SGI or SGI–M. Further Orders were issued by the NRC after the enactment of the Energy Policy Act of 2005 (EPAct), which expanded the NRC's fingerprinting authority with respect to access to SGI.

SGI, which includes both SGI and SGI–M, is a special category of sensitive unclassified information that licensees must protect from unauthorized disclosure under Section 147 of the Atomic Energy Act of 1954 (AEA), as amended. Section 147 of the AEA gives the Commission authority to designate, by regulation or order, other types of information as SGI. For example, Section 147.a.(2) of the AEA allows the Commission to designate as SGI a licensee's or applicant's detailed security measures (including security plans, procedures, and equipment) for the physical protection of source material or byproduct material in quantities that the Commission determines to be significant to the public health and safety or the common defense and security. Prior to the events of September 11, the Commission implemented its Section 147 authority through regulations in 10 CFR sections 73.21 and 73.57. These requirements generally applied to security information associated with nuclear power plants, formula quantities of strategic special nuclear materials, and the transportation of irradiated fuel. However, changes in the threat environment after September 11, have resulted in the need to protect, as SGI, additional types of security related information held by a broader group of persons, including licensees, applicants, vendors, and certificate holders. Subsequently, orders were issued that increased the number of licensees whose security measures would be protected as SGI and added types of security related information that would be considered SGI. For example, EA–04–190, issued to certain NRC byproduct materials licensees on November 4, 2004 (69 **Federal Register** (FR) 65470, November 12, 2004). The Commission determined the unauthorized release of this information could harm the public health and safety and the Nation's common defense and security and damage the Nation's critical infrastructure, including nuclear power plants and other facilities and materials licensed and regulated by the NRC or Agreement States.

Subsequently, Congress enacted the EPAct (Pub. L. 109–58, 119 Stat. 594). Section 652 of the EPAct amended Section 149 of the AEA to require the fingerprinting of a broader class of persons for the purpose of checking criminal history records. Before the EPAct, the NRC's fingerprinting authority was limited to requiring licensees and applicants for a license to operate a nuclear power reactor under 10 CFR part 50, ''Domestic Licensing of Production and Utilization Facilities,'' to fingerprint individuals before granting them access to SGI. The EPAct expanded the NRC's authority to require fingerprinting of individuals associated with other types of activities before granting them access to SGI. The EPAct preserved the Commission's authority in Section 149 of the AEA to relieve, by rule, certain persons from the fingerprinting, identification, and criminal history records checks required for access to SGI. The Commission exercised that authority to relieve, by rule, certain categories of persons from the fingerprint identification and criminal history records check along with other elements of the background check requirement. Categories of individuals relieved from the background check are described in 10 CFR 73.59.

In addition to the orders mentioned above, the NRC issued a second round of orders to licensees to impose the fingerprinting requirements mandated by the EPAct. Those orders were issued to the same persons who had previously received SGI protection orders, and required fingerprinting for an FBI identification and criminal history record check for any person with access to SGI. One significant aspect of the SGI fingerprinting orders was the requirement that the recipients designate a ''reviewing official'' who needed access to SGI, and who would be required to be approved by the NRC as ''trustworthy and reliable'' based on the NRC's review of his or her fingerprint-based criminal history records (*e.g.*, Order EA–06–155; 71 FR 51861, 51862, August 31, 2006, Paragraph C.2). The orders specified that only the NRC-approved reviewing official could make determinations of access to SGI for the licensee. In addition, the SGI fingerprinting orders also did not require the fingerprinting of a licensee employee who ''has a favorably-decided U.S. Government criminal history records check within the last five (5) years, or has an active federal security clearance'' *id.* (Paragraph A.3).

All of the orders issued by the NRC contained a relaxation clause that generally permitted the order issuing official (NRC Office Director) to ''in writing, relax or rescind any of the above conditions upon demonstration of good cause by the licensee.'' The cumulative efforts of the staff to increase the protection requirements associated with SGI and SGI–M, culminated in a final rulemaking. The final rule, Protection of Safeguards Information, was published in the **Federal Register** on October 24, 2008, (73 FR 63546). As stated in the final rule, the purpose of the rulemaking was, in part, to ''implement generally applicable requirements for SGI that are similar to requirements imposed by the orders.''

Discussion

Since publication of the final rule in October 2008, licensees and other stakeholders who routinely use SGI have raised a number of questions with the NRC staff regarding implementation of the final SGI rule, which was effective February 23, 2009. All persons subject to the rule's requirements (meaning any person, including licensees, vendors, industry groups, etc. who are currently in possession of SGI) were required to be in compliance with the rule by that date. Based upon stakeholder questions and comments with implementation of the rule, the NRC is issuing this RIS to review rule requirements and articulate the staff's position on several implementation issues. Stakeholders are advised to closely examine the final rule itself to ensure that they are in compliance with all requirements.

- *Continuing Effect of the Orders*

A common question from stakeholders has been whether the final rule supersedes the existing SGI Orders. It is the Commission's intent for all SGI order requirements to be codified in regulations. However, the final rule does not automatically supersede the SGI orders. Those orders will remain in effect until further notice and administrative action is taken. As the Commission noted in the revised

proposed rule, ''the final rule would, on its effective date, supersede all SGI orders and advisory letters issued prior to that effective date. The Commission will, however, take administrative action to withdraw all previously issued [sic] orders where appropriate'' (71 FR 64004, 64009 (October 31, 2006)). The Commission will ultimately have to decide when and by what means it will relax the SGI orders. The NRC staff is currently examining this issue as well as the need for additional SGI rulemaking. As noted earlier, the orders contain several provisions, such as the requirement for a ''reviewing official,'' that were not included in the final rule that the NRC staff continues to view as an essential part of the NRC's SGI protection requirements.[1]

The NRC staff also notes that to the extent there may be a conflict between the orders and the rule, the more stringent of the requirements would apply. For example, the background check requirements of the rule would be imposed as a prerequisite for access to SGI. Additionally, order recipients would still be obligated to maintain an NRC-approved reviewing official as required by the order.

• *Grandfathering of Persons With Current Access to SGI*

Some licensees have asked if the access requirements set forth in the final SGI rule are applicable to all current and future persons subject to the rule's requirements. Persons who have not been subjected to the rule's background check requirement (*i.e.*, the employment history, education history and personal references check), must complete such checks and be found to be trustworthy and reliable by the responsible party before they are permitted access to any SGI. This does not mean that individuals who have recently been subject to an equivalent background check (such as for unescorted access or for access to national security information), will have to re-accomplish a background check simply for access to SGI. The final rule requirements are intended to apply to those individuals to whom these requirements have not been applied or have not otherwise been applied in a reasonably recent time period.

• *Expanded Applicability of the Rule*

An important change to SGI requirements reflected in the final rule is the expansion of applicability of the rule to all persons who use SGI. Under the previous version of the rule, section 73.21(a), the only person subject to the SGI protection requirements by regulations were licensees who possessed formula quantities of strategic special nuclear material, who were authorized to operate a nuclear power reactor, who transported a formula quantity of strategic special nuclear material or more than 100 grams of irradiated reactor fuel, or to persons who dealt with SGI through a relationship with any of these categories of licensees. Under the new rule, 10 CFR 73.21(a)(1), that limitation has been eliminated, so that the rule applies broadly to ''Each licensee, certificate holder, applicant or other person who produces, receives, or acquires Safeguards Information (including Safeguards Information with the designation or marking: Safeguards Information-Modified Handling) shall ensure that it is protected against unauthorized disclosure.''

• *Elimination of Categories of Persons Permitted Access to SGI*

Under the previous SGI rule, only categories of persons specifically identified in paragraphs 73.21(c)(1)(i) through (iv), or specifically approved by the Commission on a case by case basis, were permitted access to Safeguards Information. This often resulted in a lengthy approval process when certain persons sought access to SGI who were not included within one of the listed categories. The rule no longer contains this restriction. In essence, any person who has a need to know and who has been determined by the possessor of the SGI to be trustworthy and reliable based on meeting all elements of a background check, may have access to SGI.

• *Validity of Active Federal Security Clearances*

Several licensees have asked the NRC whether personnel with active Federal security clearances (*e.g.,* ''Q'' or ''L'' clearances) would be required to have additional fingerprinting and background checks for purposes of access to SGI. These stakeholders noted that, although the orders essentially relieved these individuals from being fingerprinted for access to SGI (*e.g.,* Order EA–06–155; 71 FR 51861, 51862, August 31, 2006, Paragraph A.3), the new SGI rule did not contain provisions for continuing this practice.

It is the NRC Staff's view that the SGI rule does not require additional fingerprinting and background checks for persons with active Federal security clearances, provided that sufficient documentation of the active security clearance can be obtained by the adjudicating official. Rather than being ''relieved'' from the fingerprinting and background check requirement, such individuals are considered to have satisfied the requirements through other means, namely, the completion of their national security clearance investigations. This reflects a long-standing practice of the Commission as reflected in the hundreds of SGI fingerprinting orders that it has issued.

• *Relief From Fingerprinting*

In response to licensee questions of ''relief from fingerprinting'' requirements, the staff provides the following clarification. As noted in the previous section, persons with active Federal security clearances are not ''relieved'' from being fingerprinted, but rather may continue to have access to SGI based on the fingerprinting for their national security clearance investigation and their meeting all other access requirements. However, 10 CFR 73.59 does identify categories of person assigned or occupying certain positions that are categorically relieved from fingerprinting by virtue of their occupational status. These categories of personnel were originally published in an Immediately Effective Final Rulemaking that created 10 CFR 73.59 (71 FR 33989, June 13, 2006). The final SGI rule maintained the majority of those relief provisions, with several modifications and additions. Most notably, 10 CFR 73.59 relieves from fingerprinting ''any agent, contractor, or consultant of the aforementioned persons who has undergone equivalent criminal history records checks to those required by 10 CFR 73.22(b) or 10 CFR 73.23(b).''

It is important to note that personnel relieved from the fingerprinting and other elements of the background check requirement by 10 CFR 73.59 are still required to possess a valid need to know prior to obtaining access to SGI or SGI-M.

• *Storage of SGI or SGI–M*

Some licensees raised questions concerning the storage of Safeguards Information. The section that addresses the protection of SGI while in use and storage was modified by the final rule, sections 73.22(c)(1) and 73.23(c)(1), to recognize that SGI can be considered

[1] The NRC staff notes that the Commission has also expressed its concern with the continuing effectiveness of the reviewing official provision in that only last year, the Commission asked Congress for an amendment to Section 149 that would permit the NRC to collect fingerprints from persons responsible for making decisions regarding a person's trustworthiness and reliability. *See* Letter to the Honorable Nancy Pelosi from Chairman Dale E. Klein, dated June 9, 2008 (Legislative Proposal Package, ADAMS Accession Number ML0815505691).

''under the control of an individual authorized access to SGI'' when it is attended by such a person though not constantly being used. Safeguards Information within alarm stations, or rooms continuously occupied by authorized individuals need not be stored in a locked security container. As has always been the case, SGI must be stored in a locked security storage container when unattended. In contrast, SGI controlled as SGI–M need only be stored in a locked file drawer or cabinet. In either case, the rule requires that the container where SGI or SGI–M is stored not bare markings that identify the contents.

• *Marking, Reproduction, and Transmittal of SGI or SGI–M*

In response to questions concerning the marking, reproduction and transmittal of Safeguards Information, the staff provided responses, as summarized here. The SGI document marking requirements were changed to assist the reader with the identification of the document's designator and the date that the document or material was designated as SGI. The first page of SGI documents or other matter must now contain the name, title, and organization of the individual authorized to make a SGI determination and who has determined that the document or other matter contains SGI. The document or other matter must also indicate the date that the determination was made, and indicate that unauthorized disclosure will be subject to civil and criminal sanctions. Additional instructions were provided to aid those tasked with creating transmittal letters or memorandum to the NRC that do not in themselves contain SGI, but is associated with an attachment or enclosure that does.

When transmittal letters or memorandum to the NRC include enclosures that contain SGI but do not themselves contain SGI or any other form of sensitive unclassified information, the transmittal letter or memorandum shall be conspicuously marked, on the top and bottom, with the words Safeguards Information. In addition to the SGI marking at the top and bottom of the transmittal letter or memorandum, the bottom of the transmittal letter or memorandum shall be marked with text to inform the reader that the document is decontrolled when separated from SGI enclosure(s). Correspondence to the NRC containing SGI and non-SGI must be portion marked (i.e., cover letters, but not the attachments) to allow the recipient to identify and distinguish those sections of the correspondence or transmittal document containing SGI from those that do not. The portion marking requirement is no longer applicable to guard qualification and training plans. The new rule has also removed the guidance that allowed documents and other matter containing SGI in the hands of contractors and agents of licensees that were produced more than one year prior to the effective date of the old rule to go unmarked as SGI documents as long as they remained in storage containers and were not removed for use. Those documents and other matter, whether or not removed from storage containers for use, must now be properly marked as SGI documents.

It is important to note however, that the rule does not require current possessors of SGI to retroactively mark SGI documents that were produced prior to the effective date of the rule. As noted by the Commission in the final rule, ''the Commission does not expect that licensees or applicants must go back and mark documents for which a cover sheet was used for the required information instead of the first page of the document, as set forth in 10 CFR 73.22(d)(1)'' (73 FR 63557).

Safeguards Information may continue to be reproduced to the minimum extent necessary consistent with need without permission of the originator. Equipment used to reproduce SGI however, must be evaluated to ensure that unauthorized individuals cannot obtain SGI by gaining access to retained memory or through network connectivity.

The new rule no longer speaks in generalities to the packaging requirement for SGI that is transmitted outside an authorized place of use or storage. The rule, sections 73.22(f) and 73.23(f), now states that SGI or SGI–M, when transmitted outside an authorized place of use or storage, must be packaged in two sealed envelopes or wrappers to preclude disclosure of the presence of protected information. The inner envelope or wrapper must contain the name and address of the intended recipient and be marked on both sides, top and bottom, with the words ''Safeguards Information'' or ''Safeguards Information-Modified Handling,'' as applicable. The outer envelope or wrapper must be opaque, addressed to the intended recipient, must contain the address of the sender, and may not bare any markings or indication that the document or other matter contains SGI or SGI–M. The new rule no longer makes reference to the use of ''messenger-couriers'' for the transportation of SGI. It now states that SGI or SGI–M may be transported by any commercial delivery company that provides service with computer tracking features. It also authorizes the continued use of U.S. first class, registered, express, or certified mail for the transportation of SGI. Individuals authorized access to SGI or SGI–M may also transport SGI or SGI–M outside of an authorized place of use or storage.

The NRC continues to allow for exceptions when SGI is transmitted under emergency or extraordinary conditions. Additionally, a requirement was added to change what was stated as ''protected telecommunications circuits approved by the NRC'' to ''NRC approved secure electronic devices, such as facsimiles or telephone devices.'' The authorized use of those NRC-approved devices is conditional and based upon the transmitter and receivers compliance with information security prerequisites. To meet the requirements, the transmitter and receiver must implement processes that will provide high assurance that SGI is protected before and after the transmission. Electronic mail, through the internet, is permitted provided that the information is encrypted by a method (Federal Information Processing Standard [FIPS] 140–2 or later) approved by the appropriate NRC office. The information must be produced by a self contained secure automatic data process system; and transmitters and receivers implement the information handling processes that will provide high assurance that SGI is protected before and after transmission.

• *Electronic Processing of SGI or SGI–M*

The requirements for processing SGI on automatic data processing systems have not been significantly revised by the new SGI rule. However, there are noticeable differences between the requirements for processing SGI and SGI–M on computers. For SGI, automatic data processing systems used to process or produce SGI must continue to be isolated in that they can not be connected to a network accessible by users who are not authorized access to SGI. The requirement that an entry code be used to access the stored information has been deleted. Each computer however, used to process SGI that is not located within an approved and lockable security storage container, must have a removable storage medium with a bootable operating system. The bootable operating system must be used to load and initialize the computer. The removable storage medium must also contain the software application programs, and be secured in a locked security storage container when not in use.

A mobile device, such as a laptop, may be used for processing SGI provided the device is secured in a locked security storage container when not in use. Where previously not addressed in the old rule, the new rule makes allowance for electronic systems that have been used for storage, processing or production of SGI to migrate to non-SGI exclusive use. Any electronic system that has been used for storage, processing or production of SGI must be free of recoverable SGI prior to being returned to nonexclusive use. However, SGI–M need not be processed on a stand-alone computer. The rule permits SGI–M to be stored, processed or produced on a computer or computer system, provided that the system is assigned to the licensee's or contractor's facility. SGI–M files must be protected, either by a password or encryption. Word processors such as typewriters are not subject to these requirements as long as they do not transmit information offsite.

• *Removal From SGI or SGI–M Category*

When documents or other matter are removed from the SGI category, because the information no longer meets the criteria, care must be exercised to ensure that any document or other matter decontrolled not disclose SGI in some other form or be combined with other unprotected information to disclose SGI. The authority to determine that a document or other matter may be decontrolled will only be exercised by the NRC, with the NRC approval, or in consultation with the individual or organization that made the original SGI determination.

• *Destruction of Matter Containing SGI or SGI–M*

The final rule now states that SGI and SGI–M shall be destroyed when no longer needed. The information can be destroyed by burning, shredding or any other method that precludes reconstruction by means available to the public at large. Of particular note in the new rule it is stated one-quarter inch dimension size for pieces that are considered destroyed when thoroughly mixed with several pages or documents.

The NRC will continue to evaluate its requirements, policies and guidance concerning the protection and unauthorized disclosure of SGI. Licensees, certificate holders, applicants and other persons who produce, receive, or acquire SGI will be informed of proposed revisions or clarifications.

Backfit Discussion

This RIS does not represent a new or different staff position regarding the implementation of 10 CFR 73.21, 10 CFR 73.22 or 10 CFR 73.23. It requires no action or written response. Any action by addressees to implement changes to their safeguards information protection system, or procedures in accordance with the information in this RIS ensures compliance with 10 CFR part 73 and existing orders, is strictly voluntary and therefore, is not a backfit under 10 CFR 50.109, ''Backfitting.'' Consequently, the NRC staff did not perform a backfit analysis.

Federal Register Notification

To be done after the public comments periods.

Congressional Review Act

This RIS is not a rule as designated by the Congressional Review Act (5 U.S.C. 801–886) and therefore, is not subject to the Act.

Paperwork Reduction Act Statement

This RIS does not contain any information collections and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

Contact

Please direct any questions about this matter to Robert Norman, at 301–415–2278 or by e-mail at *robert.norman@nrc.gov*.

End of Draft Regulatory Issue Summary

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/NRC/ADAMS/index.html*. If you do not have access to ADAMS or if you have problems in accessing the documents in ADAMS, contact the NRC Public Document Room (PDR) reference staff at 1–800–397–4209 or 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 4th day of March 2009.

For The Nuclear Regulatory Commission,

Martin C. Murphy,

Chief, Generic Communications Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. E9–5296 Filed 3–11–09; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549.

Extension:

Rule 489 and Form F–N, SEC File No. 270–361, OMB Control No. 3235–0411.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval:

Rule 489 (17 CFR 230.489) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) requires foreign banks and foreign insurance companies and holding companies and finance subsidiaries of foreign banks and foreign insurance companies that are exempted from the definition of ''investment company'' by virtue of Rules 3a–1 (17 CFR 170.3a–1), 3a–5 (17 CFR 270.3a–5), and 3a–6 (17 CFR 270.3a–6) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) to file Form F–N (17 CFR 239.43), under the Securities Act of 1933 to appoint an agent for service of process when making a public offering of securities in the United States. Approximately 19 entities are required by Rule 489 to file Form F–N, which is estimated to require an average of one hour to complete. The estimated annual burden of complying with the rule's filing requirement is approximately 24 hours, as some of the entities submitted multiple filings.

The estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and are not derived from a comprehensive or even representative survey or study of the cost of Commission rules and forms.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of

information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Charles Boucher, Director/CIO, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312; or send an e-mail to: *PRA_Mailbox@sec.gov.*

Dated: March 5, 2009.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–5298 Filed 3–11–09; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–59527; File No. S7–05–09]

Order Granting Temporary Exemptions Under the Securities Exchange Act of 1934 in Connection With Request on Behalf of ICE U.S. Trust LLC Related to Central Clearing of Credit Default Swaps, and Request for Comments

March 6, 2009.

I. Introduction

In response to the recent turmoil in the financial markets, the Securities and Exchange Commission (''Commission'') has taken multiple actions to protect investors and ensure the integrity of the nation's securities markets.[1] Today the Commission is taking further action designed to address concerns related to the market in credit default swaps (''CDS''). The over-the-counter (''OTC'') market for CDS has been a source of concerns to us and other financial regulators. These concerns include the systemic risk posed by CDS, highlighted by the possible inability of parties to meet their obligations as counterparties and the potential resulting adverse effects on other markets and the financial system.[2] Recent credit market events have demonstrated the seriousness of these risks in a CDS market operating without meaningful regulation, transparency,[3] or central counterparties (''CCPs'').[4] These events have emphasized the need for CCPs as mechanisms to help control such risks.[5] A CCP for CDS could be an important step in reducing the counterparty risks inherent in the CDS market, and thereby help mitigate potential systemic impacts. In November 2008, the President's Working Group on Financial Markets stated that the implementation of a CCP for CDS was a top priority[6] and, in furtherance of this recommendation, the Commission, the FRB and the Commodity Futures Trading Commission (''CFTC'') signed a Memorandum of Understanding[7] that establishes a framework for consultation and information sharing on issues related to CCPs for CDS. Given the continued uncertainty in this market, taking action to help foster the prompt development of CCPs, including granting conditional exemptions from certain provisions of the Federal securities laws, is in the public interest.

A CDS is a bilateral contract between two parties, known as counterparties. The value of this financial contract is based on underlying obligations of a single entity or on a particular security or other debt obligation, or an index of several such entities, securities, or obligations. The obligation of a seller under a CDS to make payments under a CDS contract is triggered by a default or other credit event as to such entity or entities or such security or securities. Investors may use CDS for a variety of reasons, including to offset or insure against risk in their fixed-income portfolios, to take positions in bonds or in segments of the debt market as represented by an index, or to capitalize on the volatility in credit spreads during times of economic uncertainty. In recent years, CDS market volumes have rapidly increased.[8] This growth has coincided with a significant rise in the types and number of entities participating in the CDS market.[9]

The Commission's authority over this OTC market for CDS is limited. Specifically, Section 3A of the Securities Exchange Act of 1934 (''Exchange Act'') limits the Commission's authority over swap agreements, as defined in Section 206A of the Gramm-Leach-Bliley Act.[10] For

[1] A nonexclusive list of the Commission's actions to stabilize financial markets during this credit crisis include: adopting a package of measures to strengthen investor protections against naked short selling, including rules requiring a hard T+3 close-out, eliminating the options market maker exception of Regulation SHO, and expressly targeting fraud in short selling transactions (*See* Securities Exchange Act Release No. 58572 (September 17, 2008), 73 FR 54875 (September 23, 2008)); issuing an emergency order to enhance protections against naked short selling in the securities of primary dealers, Federal National Mortgage Association (''Fannie Mae''), and Federal Home Loan Mortgage Corporation (''Freddie Mac'') (*See* Securities Exchange Act Release No. 58166 (July 15, 2008), 73 FR 42379 (July 21, 2008)); taking temporary emergency action to ban short selling in financial securities (*See* Securities Exchange Act Release No. 58592 (September 18, 2008), 73 FR 55169 (September 24, 2008)); approving emergency rulemaking to ensure disclosure of short positions by hedge funds and other institutional money managers (*See* Securities Exchange Act Release No. 58591A (September 21, 2008), 73 FR 55557 (September 25, 2008)); proposing rules to strengthen the regulation of credit rating agencies and making the limits and purposes of credit ratings clearer to investors (*See* Securities Exchange Act Release No. 57967 (June 16, 2008), 73 FR 36212 (June 25, 2008); entering into a Memorandum of Understanding with the Board of Governors of the Federal Reserve System (''FRB'') to make sure key Federal financial regulators share information and coordinate regulatory activities in important areas of common interest (*See* Memorandum of Understanding Between the U.S. Securities and Exchange Commission and the Board of Governors of the Federal Reserve System Regarding Coordination and Information Sharing in Areas of Common Regulatory and Supervisory Interest (July 7, 2008), *http://www.sec.gov/news/press/2008/2008–134_mou.pdf*).

[2] In addition to the potential systemic risks that CDS pose to financial stability, we are concerned about other potential risks in this market, including operational risks, risks relating to manipulation and fraud, and regulatory arbitrage risks.

[3] *See* Policy Objectives for the OTC Derivatives Market, The President's Working Group on Financial Markets, November 14, 2008, available at *http://www.ustreas.gov/press/releases/reports/policyobjectives.pdf* (''Public reporting of prices, trading volumes and aggregate open interest should be required to increase market transparency for participants and the public.'').

[4] *See* The Role of Credit Derivatives in the U.S. Economy Before the H. Agric. Comm., 110th Cong. (2008) (Statement of Erik Sirri, Director of the Division of Trading and Markets, Commission).

[5] *See id.*

[6] *See* Policy Objectives for the OTC Derivatives Market, The President's Working Group on Financial Markets (November 14, 2008), *http://www.ustreas.gov/press/releases/reports/policyobjectives.pdf. See also* Policy Statement on Financial Market Developments, The President's Working Group on Financial Markets (March 13, 2008), *http://www.treas.gov/press/releases/reports/pwgpolicystatemktturmoil_03122008.pdf*; Progress Update on March Policy Statement on Financial Market Developments, The President's Working Group on Financial Markets (October 2008), *http://www.treas.gov/press/releases/reports/q4progress%20update.pdf.*

[7] *See* Memorandum of Understanding Between the Board of Governors of the Federal Reserve System, the U.S. Commodity Futures Trading Commission and the U.S. Securities and Exchange Commission Regarding Central Counterparties for Credit Default Swaps (November 14, 2008), *http://www.treas.gov/press/releases/reports/finalmou.pdf.*

[8] *See* Semiannual OTC derivatives statistics at end-December 2007, Bank for International Settlements (''BIS''), available at *http://www.bis.org/statistics/otcder/dt1920a.pdf.*

[9] CDS were initially created to meet the demand of banking institutions looking to hedge and diversify the credit risk attendant with their lending activities. However, financial institutions such as insurance companies, pension funds, securities firms, and hedge funds have entered the CDS market.

[10] 15 U.S.C. 78c–1. Section 3A excludes both a non-security-based and a security-based swap agreement from the definition of ''security'' under Section 3(a)(10) of the Exchange Act, 15 U.S.C. 78c(a)(10). Section 206A of the Gramm-Leach-Bliley Act defines a ''swap agreement'' as ''any agreement, contract, or transaction between eligible contract participants (as defined in section 1a(12) of the Commodity Exchange Act * * *) * * * the material terms of which (other than price and quantity) are subject to individual negotiation.'' 15 U.S.C. 78c note.

those CDS that are swap agreements, the exclusion from the definition of security in Section 3A of the Exchange Act, and related provisions, will continue to apply. The Commission's action today does not affect these CDS, and this Order does not apply to them. For those CDS that are not swap agreements (''non-excluded CDS''), the Commission's action today provides conditional exemptions from certain requirements of the Exchange Act.

The Commission believes that using well-regulated CCPs to clear transactions in CDS would help promote efficiency and reduce risk in the CDS market and among its participants. These benefits could be particularly significant in times of market stress, as CCPs would mitigate the potential for a market participant's failure to destabilize other market participants, and reduce the effects of misinformation and rumors. CCP-maintained records of CDS transactions would also aid the Commission's efforts to prevent and detect fraud and other abusive market practices.

A well-regulated CCP also would address concerns about counterparty risk by substituting the creditworthiness and liquidity of the CCP for the creditworthiness and liquidity of the counterparties to a CDS. In the absence of a CCP, participants in the OTC CDS market must carefully manage their counterparty risks because the default by a counterparty can render worthless, and payment delay can reduce the usefulness of, the credit protection that has been bought by a CDS purchaser. CDS participants currently attempt to manage counterparty risk by carefully selecting and monitoring their counterparties, entering into legal agreements that permit them to net gains and losses across contracts with a defaulting counterparty, and often requiring counterparty exposures to be collateralized.[11] A CCP could allow participants to avoid these risks specific to individual counterparties because a CCP ''novates'' bilateral trades by entering into separate contractual arrangements with both counterparties—becoming buyer to one and seller to the other.[12] Through novation, it is the CCP that assumes counterparty risks.

For this reason, a CCP for CDS would contribute generally to the goal of market stability. As part of its risk management, a CCP may subject novated contracts to initial and variation margin requirements and establish a clearing fund. The CCP also may implement a loss-sharing arrangement among its participants to respond to a participant insolvency or default.

A CCP would also reduce CDS risks through multilateral netting of trades.[13] Trades cleared through a CCP would permit market participants to accept the best bid or offer from a dealer in the OTC market with very brief exposure to the creditworthiness of the dealer. In addition, by allowing netting of positions in similar instruments, and netting of gains and losses across different instruments, a CCP would reduce redundant notional exposures and promote the more efficient use of resources for monitoring and managing CDS positions. Through uniform margining and other risk controls, including controls on market-wide concentrations that cannot be implemented effectively when counterparty risk management is decentralized, a CCP can help prevent a single market participant's failure from destabilizing other market participants and, ultimately, the broader financial system.

In this context, IntercontinentalExchange, Inc. (''ICE'') and The Clearing Corporation (''TCC''), on behalf of ICE U.S. Trust LLC (''ICE Trust''), have requested that the Commission grant exemptions from certain requirements under the Exchange Act with respect to the proposed activities of ICE Trust in clearing and settling certain CDS, as well as the proposed activities of certain other persons, as described below.[14]

Based on the facts presented and the representations made in the request on behalf of ICE Trust,[15] and for the reasons discussed in this Order, the Commission temporarily is exempting, subject to certain conditions, ICE Trust from the requirement to register as a clearing agency under Section 17A of the Exchange Act solely to perform the functions of a clearing agency for certain non-excluded CDS transactions. The Commission also temporarily is exempting eligible contract participants and others from certain Exchange Act requirements with respect to non-excluded CDS cleared by ICE Trust. In addition, the Commission temporarily is exempting ICE Trust and certain participants of ICE Trust from the registration requirements of Sections 5 and 6 of the Exchange Act solely in connection with the calculation of mark-to-market prices for non-excluded CDS cleared by ICE Trust. The Commission's exemptions are temporary and will expire on December 7, 2009. To facilitate the operation of one or more CCPs for the CDS market, the Commission has also approved interim final temporary rules providing exemptions under the Securities Act of 1933 and the Exchange Act for non-excluded CDS.[16] Finally, the Commission has provided temporary exemptions in connection with Sections 5 and 6 of the Exchange Act for transactions in non-excluded CDS.[17]

II. Discussion

A. Description of ICE Trust's Proposal

The exemptive request on behalf of ICE Trust describes how the proposed arrangements for central clearing of CDS by ICE Trust would operate, and makes representations about the safeguards associated with those arrangements, as described below:

[11] *See* generally R. Bliss and C. Papathanassiou, ''Derivatives clearing, central counterparties and novation: The economic implications'' (March 8, 2006), at 6. See also ''New Developments in Clearing and Settlement Arrangements for OTC Derivatives,'' Committee on Payment and Settlement Systems, BIS, at 25 (March 2007), available at *http://www.bis.org/pub/cpss77.pdf;* ''Reducing Risks and Improving Oversight in the OTC Credit Derivatives Market,'' Before the Sen. Subcomm. On Secs., Ins. and Investments, 110th Cong. (2008) (Statement of Patrick Parkinson, Deputy Director, Division of Research and Statistics, FRB).

[12] ''Novation'' is a ''process through which the original obligation between a buyer and seller is discharged through the substitution of the CCP as seller to buyer and buyer to seller, creating two new contracts.'' Committee on Payment and Settlement Systems, Technical Committee of the International Organization of Securities Commissioners, *Recommendations for Central Counterparties* (November 2004) at 66.

[13] *See* ''New Developments in Clearing and Settlement Arrangements for OTC Derivatives,'' supra note 11, at 25. Multilateral netting of trades would permit multiple counterparties to offset their open transaction exposure through the CCP, spreading credit risk across all participants in the clearing system and more effectively diffusing the risk of a counterparty's default than could be accomplished by bilateral netting alone.

[14] *See* Letter from Johnathan Short, InterContinental Exchange, Inc. and Kevin McClear, The Clearing Corporation, to Elizabeth Murphy, Secretary, Commission, February 26, 2009.

[15] *See id.* The exemptions we are granting today are based on representations made in the request on behalf of ICE Trust. We recognize, however, that there could be legal uncertainty in the event that one or more of the underlying representations were to become inaccurate. Accordingly, if any of these exemptions were to become unavailable by reason of an underlying representation no longer being materially accurate, the legal status of existing open positions in non-excluded CDS associated with persons subject to those unavailable exemptions would remain unchanged, but no new positions could be established pursuant to the exemptions until all of the underlying representations were again accurate.

[16] *See* Securities Act Release No. 33–8999 (January 14, 2009).

[17] *See* Securities Exchange Act Release No. 59165 (December 24, 2008).

1. ICE Trust Organization

ICE Trust is organized as a New York State chartered limited liability trust company and has received approval of its application to become a member of the Federal Reserve System. ICE Trust is subject to direct supervision and examination by the New York State Banking Department (''NYSBD''), and, in association with the approval of its application to become a member of the Federal Reserve System, will be subject to direct supervision and examination by the FRB, specifically the Federal Reserve Bank of New York.

2. ICE Trust Central Counterparty Services for CDS

Initially, ICE Trust's business will be limited to the provision of clearing services for the OTC CDS market. ICE Trust will act as a central counterparty for ICE Trust Participants (as defined below) [18] by assuming, through novation, the obligations of all eligible CDS transactions accepted by it for clearing and collecting margin and other credit support from ICE Trust Participants to collateralize their obligations to ICE Trust. ICE Trust's trade submission process is designed to ensure that it maintains a matched book of offsetting CDS contracts.

Although CDS are currently bilaterally negotiated and executed, major market participants frequently use the Deriv/SERV service of The Depository Trust & Clearing Corporation (''DTCC'') comparison and confirmation service when documenting their CDS transactions. This service creates electronic records of transaction terms and counterparties. As part of this service, market participants separately submit the terms of a CDS transaction to Deriv/SERV in electronic form. Paired submissions are compared to verify that their terms match in all required respects. If a match is confirmed, the parties receive an electronic confirmation of the submitted transaction. All submitted transactions are recorded in the Deriv/SERV Trade Information Warehouse, which serves as the primary registry for submitted transactions.

ICE Trust will leverage the Deriv/SERV infrastructure in operating its CDS clearing service. Initially, all trades submitted by Participants for clearing through ICE Trust will be recorded in the Deriv/SERV Trade Information Warehouse. ICE Trust will, initially on a weekly basis, obtain from DTCC matched trades that have been recorded in the Deriv/SERV Trade Information Warehouse as having been submitted for clearing through ICE Trust. Within two months of launch, ICE Trust intends to obtain matched trades from DTCC on a daily basis.

Participants may use the facilities of an inter-dealer broker to execute CDS transactions, for example, to access liquidity more rapidly or to maintain pre-execution anonymity and submit such transactions for clearance and settlement to ICE Trust. The inter-dealer brokers do not assume market positions in connection with their intermediation of CDS transactions.

Once a matched CDS contract has been forwarded to, or obtained by, ICE Trust, and has been accepted for clearing by it, ICE Trust will clear the CDS contract by becoming the central counterparty to each party to the trade through novation. Deriv/SERV's current infrastructure will help to ensure that ICE Trust maintains a matched book of offsetting CDS contracts. Maintaining a matched offsetting book is essential to managing the credit risk associated with CDS submitted to ICE Trust for clearing.

Under the ICE Trust's current draft rules (''ICE Trust Rules''), each bilateral CDS contract between two ICE Trust Participants that is submitted, and accepted by ICE Trust, for clearing will be ''novated.'' As part of this process, each bilateral CDS contract submitted to ICE Trust will be replaced by two superseding CDS contracts between each of the original parties to the submitted transaction and ICE Trust. Under these new contracts, ICE Trust will act as the counterparty to each of the original parties. As central counterparty to each novated CDS contract, ICE Trust will be able to net offsetting positions on a multilateral basis, even though ICE Trust will have different counterparties with respect to the novated CDS contracts that are being netted.

As part of the novation process, the terms and conditions governing the CDS bilaterally negotiated by the submitting counterparties will be superseded by the relevant provisions of the ICE Trust Rules applicable to the relevant CDS transaction. Multilateral netting will significantly reduce the outstanding notional amount of each ICE Trust Participant's CDS portfolio. When ICE Trust acts as the central counterparty to all cleared CDS of an ICE Trust Participant, that participant's positions will be netted down to a single exposure to ICE Trust.

3. ICE Trust Risk Management

ICE Trust will mitigate counterparty risk through its margin, guaranty fund, and credit support framework, as set forth in the ICE Trust Rules. ICE Trust's risk management infrastructure and related risk metrics will be structured specifically for the CDS products that ICE Trust clears. Each ICE Trust Participant's credit support obligations will be governed by a uniform credit support framework and applicable ICE Trust Rules.

ICE Trust represents that it will maintain strict, objectively determined, risk-based margin and guaranty fund requirements, which will be subject to extensive and ongoing regulation and oversight by the FRB and the NYSBD. These requirements will also be consistent with clearing industry practice, Basel II capital adequacy standards, and international standards established for central counterparties as articulated in the Bank for International Settlements / International Organization of Securities Commissions (''IOSCO'') CCP Recommendations. The amount of margin and guaranty fund required of each ICE Trust Participant will be continuously adjusted to reflect the size and profile of, and risk associated with, the ICE Trust Participant's cleared CDS transactions (and related market factors).

Pursuant to ICE Trust Rules, each ICE Trust Participant's margin requirement will consist of two components: (1) Initial margin, reflecting a risk-based calculation of potential loss on outstanding CDS positions in the event of a significant adverse market movement, and (2) mark-to-market margin, based upon an end-of-day mark-to-market of outstanding positions. Acceptable margin will initially include only cash in specified currencies and G–7 government debt for initial margin and only cash for mark-to-market margin. ICE Trust Participants will be required to cover any end-of-day margin deficit with U.S. dollars by the following morning, and ICE Trust will have the discretion to require and collect additional margin, both at the end of the day and intraday, as it deems necessary.[19]

ICE Trust will also maintain a guaranty fund (the ''Guaranty Fund'') to cover losses arising from an ICE Trust Participant's default on cleared CDS transactions that exceed the amount of margin held by ICE Trust from the defaulting ICE Trust Participant. Each ICE Trust Participant will be required to contribute a minimum of $20 million to the Guaranty Fund initially when it becomes an ICE Trust Participant and

[18] *See* note 35, *infra.*

[19] An ICE Trust Participant would be permitted to withdraw mark-to-market margin amounts credited to its account to the extent not required to satisfy its initial margin requirement.

on an ongoing basis, additional amounts based on its actual and anticipated CDS position exposures. The adequacy of the Guaranty Fund will be monitored daily and the need for additional contributions will be determined on at least a monthly basis, based on the size of ICE Trust Participant exposures within the ICE Trust clearing system. As a result, the Guaranty Fund will grow in proportion to the position risk associated with the aggregate volume of CDS cleared by ICE Trust.

ICE Trust will also establish rules that ''mutualize'' the risk of an ICE Trust Participant default across all ICE Trust Participants. In the event of an ICE Trust Participant's default, ICE Trust may look to the margin posted by such participant, such participant's Guaranty Fund contributions and, if applicable, any recovery from a parent guarantor. In addition, at its discretion, ICE Trust will be authorized to use, to the extent needed, other ICE Trust Participants' Guaranty Fund contributions to satisfy any obligations of the defaulting ICE Trust Participant; provided that, any recovery from the defaulting ICE Trust Participant, its parent guarantor, if any, or the sale of the defaulting ICE Trust Participant's positions in ICE Trust will first be used to refund any amounts utilized by ICE Trust from contributions of non-defaulting ICE Trust Participants to the Guaranty Fund.

4. Member Default

Following a default by an ICE Trust Participant, ICE Trust has a number of tools available to it under the ICE Trust Rules to ensure an orderly liquidation and unwinding of the open positions of such defaulting ICE Trust Participant. In the first instance, upon determining that a default has occurred, ICE Trust will have the ability to immediately enter into replacement CDS transactions with other ICE Trust Participants that are designed to mitigate, to the greatest extent possible, the market risk of the defaulting ICE Trust Participant's open positions. For open positions in which there is no liquid trading market, ICE Trust may enter into covering CDS transactions for which there is a liquid market and that are most closely correlated with such illiquid open positions.

After entering into covering transactions in the open market, if any, ICE Trust will seek to close out any remaining open positions of the defaulting ICE Trust Participant (including any initial covering transactions) by using one or more auctions or other commercially reasonable unwind processes. The ICE Trust Rules will prohibit ICE Trust from entering into any replacement transaction if the price of such transaction would be below the least favorable price that would be reasonable to accept for such replacement transaction. To the extent ICE Trust is not able to enter into the necessary replacement transactions through auctions or open market processes, ICE Trust will be entitled to allocate such replacement transactions to the remaining ICE Trust Participants at the floor price established by ICE Trust.

B. Temporary Conditional Exemptions From Clearing Agency and Exchange Registration Requirements

1. Exemption From Section 17A of the Exchange Act

Section 17A of the Exchange Act sets forth the framework for the regulation and operation of the U.S. clearance and settlement system, including CCPs. Specifically, Section 17A directs the Commission to use its authority to promote enumerated Congressional objectives and to facilitate the development of a national clearance and settlement system for securities transactions. Absent an exemption, a CCP that novates trades of non-excluded CDS that are securities and generates money and settlement obligations for participants is required to register with the Commission as a clearing agency.

Section 36 of the Exchange Act authorizes the Commission to conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Exchange Act or any rule or regulation thereunder, by rule, regulation, or order, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.[20]

Accordingly, pursuant to Section 36 of the Exchange Act, the Commission finds that it is necessary or appropriate in the public interest and is consistent with the protection of investors to exercise its authority to grant an exemption until December 7, 2009 to ICE Trust from Section 17A of the Exchange Act, solely to perform the functions of a clearing agency for Cleared CDS,[21] subject to the conditions discussed below.

Our action today balances the aim of facilitating the prompt establishment of ICE Trust as a CCP for non-excluded CDS transactions—which should help reduce systemic risks during a period of extreme turmoil in the U.S. and global financial markets—with ensuring that important elements of Commission oversight are applied to the non-excluded CDS market. In doing so, we are mindful that applying the full scope of the Exchange Act to transactions involving non-excluded CDS could deter the prompt establishment of ICE Trust as a CCP to settle those transactions.

While we are acting so that the prompt establishment of ICE Trust as a CCP for non-excluded CDS will not be delayed by the need to apply the full scope of Exchange Act Section 17A's requirements that govern clearing agencies, the relief we are providing is temporary and conditional. The limited duration of the exemptions will permit the Commission to gain more direct experience with the non-excluded CDS market after ICE Trust becomes operational, giving the Commission the ability to oversee the development of the centrally cleared non-excluded CDS market as it evolves. During the exemptive period, the Commission will closely monitor the impact of the CCPs on the CDS market. In particular, the Commission will seek to assure itself that the CCPs do not act in anticompetitive manner or indirectly facilitate anticompetitive behavior with respect to fees charged to members, the dissemination of market data and the access to clearing services by independent CDS exchanges or CDS trading platforms. The Commission will take that experience into account in future actions.

Moreover, this temporary exemption in part is based on ICE Trust's

[20] 15 U.S.C. 78mm.

[21] For purposes of this exemption, and the other exemptions addressed in this Order, ''Cleared CDS'' means a credit default swap that is submitted (or offered, purchased, or sold on terms providing for submission) to ICE Trust, that is offered only to, purchased only by, and sold only to eligible contract participants (as defined in Section 1a(12) of the Commodity Exchange Act as in effect on the date of this Order (other than a person that is an eligible contract participant under paragraph (C) of that section)), and in which: (i) The reference entity, the issuer of the reference security, or the reference security is one of the following: (A) An entity reporting under the Exchange Act, providing Securities Act Rule 144A(d)(4) information, or about which financial information is otherwise publicly available; (B) a foreign private issuer whose securities are listed outside the United States and that has its principal trading market outside the United States; (C) a foreign sovereign debt security; (D) an asset-backed security, as defined in Regulation AB, issued in a registered transaction with publicly available distribution reports; or (E) an asset-backed security issued or guaranteed by the Fannie Mae, Freddie Mac or the Government National Mortgage Association (''Ginnie Mae''); or (ii) the reference index is an index in which 80 percent or more of the index's weighting is comprised of the entities or securities described in subparagraph (i). As discussed above, the Commission's action today does not affect CDS that are swap agreements under Section 206A of the Gramm-Leach-Bliley Act. *See* text at note 10, *supra*.

representation that it meets the standards set forth in the Committee on Payment and Settlement Systems (''CPSS'') and IOSCO report entitled: *Recommendation for Central Counterparties* (''RCCP'').[22] The RCCP establishes a framework that requires a CCP to have: (i) The ability to facilitate the prompt and accurate clearance and settlement of CDS transactions and to safeguard its users' assets; and (ii) sound risk management, including the ability to appropriately determine and collect clearing fund and monitor its users' trading. This framework is generally consistent with the requirements of Section 17A of the Exchange Act.

In addition, this Order is designed to assure that—as represented in the request on behalf of ICE Trust—information will be available to market participants about the terms of the CDS cleared by ICE Trust, the creditworthiness of ICE Trust or any guarantor, and the clearing and settlement process for the CDS. Moreover, to be within the definition of Cleared CDS for purposes of this exemption (as well as the other exemptions granted through this Order), a CDS may only involve a reference entity, a reference security, an issuer of a reference security, or a reference index that satisfies certain conditions relating to the availability of information about such persons or securities. For non-excluded CDS that are index-based, the definition provides that at least 80 percent of the weighting of the index must be comprised of reference entities, issuers of a reference security, or reference securities that satisfy the information conditions. The definition does not prescribe the type of financial information that must be available nor the location of the particular information, recognizing that eligible contract participants have access to information about reference entities and reference securities through multiple sources. The Commission believes, however, that it is important in the CDS market, as in the market for securities generally, that parties to transactions should have access to financial information that would allow them to appropriately evaluate the risks relating to a particular investment and make more informed investment decisions.[23] Such information availability also will assist ICE Trust and the buyers and sellers in valuing their Cleared CDS and their counterparty exposures. As a result of the Commission's actions today, the Commission believes that information should be available for market participants to be able to make informed investment decisions, and value and evaluate their Cleared CDS and their counterparty exposures.

This temporary exemption is subject to a number of conditions that are designed to enable Commission staff to monitor ICE Trust's clearance and settlement of CDS transactions and help reduce risk in the CDS market. These conditions require that ICE Trust: (i) Make available on its Web site its annual audited financial statements; (ii) preserve records related to the conduct of its Cleared CDS clearance and settlement services for at least five years (in an easily accessible place for the first two years); (iii) provide information relating to its Cleared CDS clearance and settlement services to the Commission and provide access to the Commission to conduct on-site inspections of facilities, records and personnel related to its Cleared CDS clearance and settlement services; (iv) notify the Commission about material disciplinary actions taken against any of its members utilizing its Cleared CDS clearance and settlement services, and about the involuntary termination of the membership of an entity that is utilizing ICE Trust's Cleared CDS clearance and settlement services; (v) provide the Commission with changes to rules, procedures, and any other material events affecting its Cleared CDS clearance and settlement services; (vi) provide the Commission with reports prepared by independent audit personnel that are generated in accordance with risk assessment of the areas set forth in the Commission's Automation Review Policy Statements[24] and its annual audited financial statements prepared by independent audit personnel; and (vii) report all significant systems outages to the Commission.

In addition, this relief is conditioned on ICE Trust, directly or indirectly, making available to the public on terms that are fair and reasonable and not unreasonably discriminatory: (i) All end-of-day settlement prices and any other prices with respect to Cleared CDS that ICE Trust may establish to calculate mark-to-market margin requirements for ICE Trust Participants; and (ii) any other pricing or valuation information with respect to Cleared CDS as is published or distributed by ICE Trust. The Commission believes this is an appropriate condition for ICE Trust's exemption from registration as a clearing agency. In Section 11A of the Exchange Act, Congress found that ''[i]t is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure * * * the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities.''[25] The President's Working Group on Financial Markets has stated that increased transparency is a policy objective for the over-the-counter derivatives market,[26] which includes the market for CDS. The condition is designed to further this policy objective of both Congress and the President's Working Group by requiring ICE Trust to make useful pricing data available to the public on terms that are fair and reasonable and not unreasonably discriminatory. Congress adopted these standards for the distribution of data in Section 11A. The Commission long has applied the standards in the specific context of securities market data,[27] and it anticipates that ICE Trust will distribute its data on terms that generally are consistent with the application of these standards to securities market data. For example, data distributors generally are required to treat subscribers equally and not grant special access, fees, or other privileges to favored customers of the distributor. Similarly, distributors must make their data feeds reasonably available to data vendors for those subscribers who wish to receive their data indirectly through a vendor rather

[22] The RCCP was drafted by a joint task force (''Task Force'') composed of representative members of IOSCO and CPSS and published in November 2004. The Task Force consisted of securities regulators and central bankers from 19 countries and the European Union. The U.S. representatives on the Task Force included staff from the Commission, the FRB, and the CFTC.

[23] The Commission notes the recommendations of the President's Working Group on Financial Markets regarding the informational needs and due diligence responsibilities of investors. *See* Policy Statement on Financial Market Developments, The President's Working Group on Financial Markets, March 13, 2008, available at: *http://www.treas.gov/press/releases/reports/pwgpolicystatemktturmoil_03122008.pdf.*

[24] *See* Automated Systems of Self-Regulatory Organization, Exchange Act Release No. 27445 (November 16, 1989), File No. S7–29–89, and Automated Systems of Self-Regulatory Organization (II), Exchange Act Release No. 29185 (May 9, 1991), File No. S7–12–19.

[25] 15 U.S.C. 78k–1(a)(1)(C)(iii). *See also* 15 U.S.C. 78k–1(a)(1)(D).

[26] *See* President's Working Group on Financial Markets, Policy Objectives for the OTC Derivatives Market (November 14, 2008), available at *http://www.ustreas.gov/press/releases/reports/policyobjectives.pdf* (''Public reporting of prices, trading volumes and aggregate open interest should be required to increase market transparency for participants and the public.'').

[27] *See* Exchange Act Release No. 42209 (December 9, 1999), 64 FR 70613, 70621–70623 (December 17, 1999) (''Market Information Concept Release'') (discussion of legal standards applicable to market data distribution since Section 11A was adopted in 1975).

than directly from the distributor. In addition, a distributor's attempt to tie data products that must be made available to the public with other products or services of the distributor would be inconsistent with the statutory requirements.[28] The Commission carefully evaluates any type of discrimination with respect to subscribers and vendors to assess whether there is a reasonable basis for the discrimination given, among other things, the Exchange Act objective of promoting price transparency.[29] Moreover, preventing unreasonable discrimination is a practical means to promote fair and reasonable terms for data distribution because distributors are more likely to act appropriately when the terms applicable to the broader public also must apply to any favored classes of customers.[30]

As a CCP, ICE Trust will collect and process information about CDS transactions, prices, and positions from all of its participants. With this information, a CCP will, among other things, calculate and disseminate current values for open positions for the purpose of setting appropriate margin levels. The availability of such information can improve fairness, efficiency, and competitiveness of the market—all of which enhance investor protection and facilitate capital formation. Moreover, with pricing and valuation information relating to Cleared CDS, market participants would be able to derive information about underlying securities and indexes. This may improve the efficiency and effectiveness of the securities markets by allowing investors to better understand credit conditions generally.

2. Exemption From Sections 5 and 6 of the Exchange Act

ICE Trust represents that, in connection with its clearing and risk management process, it will calculate an end-of-day settlement price for each Cleared CDS in which an ICE Trust Participant has a cleared position, based on prices submitted by ICE Trust Participants. As part of this mark-to-market process, ICE Trust will periodically require ICE Trust Participants to execute certain CDS trades at the applicable end-of-day settlement price. Requiring ICE Trust Participants to trade CDS periodically in this manner is designed to help ensure that such submitted prices reflect each ICE Trust Participant's best assessment of the value of each of its open positions in Cleared CDS on a daily basis, thereby reducing risk by allowing ICE Trust to impose appropriate margin requirements.

Section 5 of the Exchange Act states that ''[i]t shall be unlawful for any broker, dealer, or exchange, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce for the purpose of using any facility of an exchange * * * to effect any transaction in a security, or to report any such transactions, unless such exchange (1) is registered as a national securities exchange under section 6 of [the Exchange Act], or (2) is exempted from such registration * * * by reason of the limited volume of transactions effected on such exchange. * * *''[31] Section 6 of the Exchange Act sets forth a procedure whereby an exchange[32] may register as a national securities exchange.[33] To facilitate the establishment of ICE Trust's end-of-day settlement price process, including the periodically required trading described above, the Commission is exercising its authority under Section 36 of the Exchange Act to temporarily exempt ICE Trust and ICE Trust Participants from Sections 5 and 6 of the Exchange Act and the rules and regulations thereunder in connection with ICE Trust's calculation of mark-to-market prices for open positions in Cleared CDS. This temporary exemption is subject to the following conditions:

First, ICE Trust must report the following information with respect to the calculation of mark-to-market prices for Cleared CDS to the Commission within 30 days of the end of each quarter, and preserve such reports during the life of the enterprise and of any successor enterprise:

- The total dollar volume of transactions executed during the quarter, broken down by reference entity, security, or index; and
- The total unit volume and/or notional amount executed during the quarter, broken down by reference entity, security, or index.

Reporting of this information will assist the Commission in carrying out its responsibility to supervise and regulate the securities markets.

Second, ICE Trust must establish adequate safeguards and procedures to protect participants' confidential trading information. Such safeguards and procedures shall include: (a) Limiting access to the confidential trading information of participants to those employees of ICE Trust who are operating the system or responsible for its compliance with this exemption or any other applicable rules; and (b) implementing standards controlling employees of ICE Trust trading for their own accounts. ICE Trust must adopt and implement adequate oversight procedures to ensure that the safeguards and procedures established pursuant to this condition are followed. This condition is designed to prevent any misuse of ICE Trust Participant trading information that may be available to ICE Trust in connection with the daily marking-to-market process of open positions in Cleared CDS. This should strengthen confidence in ICE Trust as a CCP for CDS, promoting participation.

Third, ICE Trust must comply with the conditions to the temporary exemption from registration as a clearing agency granted in this Order. As set forth above, this Order is designed to facilitate the prompt establishment of ICE Trust as a CCP for non-excluded CDS. ICE Trust has represented that, to enhance the reliability of end-of-day settlement prices submitted as part of the daily mark-to-market process, it must require periodic trading of Cleared CDS positions by ICE Participants whose submitted end-of-day prices lock or cross. The Commission's temporary exemption from Sections 5 and 6 of the Exchange Act is based on ICE Trust's representation that the end-of-day settlement pricing process, including the periodically required trading is integral to its risk management.

[28] *See* Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74793 (December 9, 2008) (''NYSE ArcaBook Order'') (''[S]ection 6 and Exchange Act Rule 603(a) require NYSE Arca to distribute the ArcaBook data on terms that are not tied to other products in a way that is unfairly discriminatory or anticompetitive.'').

[29] *See* Market Information Concept Release, 64 FR at 70630 (''The most important objectives for the Commission to consider in evaluating fees are to assure (1) the wide availability of market information, (2) the neutrality of fees among markets, vendors, broker-dealers, and users, (3) the quality of market information—its integrity, reliability, and accuracy, and (4) fair competition and equal regulation among markets and broker-dealers.'').

[30] *See* NYSE ArcaBook Order, 73 FR at 74794 (''[T]he proposed fees for ArcaBook data will apply equally to all professional subscribers and all non-professional subscribers * * * The fees therefore do not unreasonably discriminate among types of subscribers, such as by favoring participants in the NYSE Arca market or penalizing participants in other markets.'').

[31] 15 U.S.C. 78e.

[32] Section 3(a)(1) of the Exchange Act, 15 U.S.C. 78c(a)(1), defines ''exchange.'' Rule 3b–16 under the Exchange Act, 17 CFR 240.3b–16, defines certain terms used in the statutory definition of exchange. *See* Exchange Act Release No. 40760 (December 8, 1998), 63 FR 70844 (December 22, 1998) (adopting Rule 3b–16 in addition to Regulation ATS).

[33] 15 U.S.C. 78f. Section 6 of the Exchange Act also sets forth various requirements to which a national securities exchange is subject.

Accordingly, as a condition to ICE Trust's temporary exemption from Sections 5 and 6 of the Exchange Act, ICE trust must comply with the conditions to the temporary exemption from Section 17A of the Exchange Act in this Order.

The Commission is also exempting each ICE Trust Participant from the prohibition in Section 5 of the Exchange Act to the extent that such ICE Trust Participant uses any facility of ICE Trust to effect any transaction in Cleared CDS, or to report any such transaction, in connection with ICE Trust's calculation of mark-to-market prices for open positions in Cleared CDS. Absent an exemption, Section 5 would prohibit any ICE Trust Participant that is a broker or dealer from effecting transactions in Cleared CDS on ICE Trust, which will rely on this order for an exemption from exchange registration. The Commission believes that exempting ICE Trust Participants from the restriction in Section 5 is necessary and appropriate in the public interest and is consistent with the protection of investors because it will facilitate their use of ICE Trust's CCP for Cleared CDS, which for the reasons noted in this Order the Commission believes to be beneficial. Without also exempting ICE Trust Participants from this Section 5 requirement, the Commission's temporary exemption of ICE Trust from Sections 5 and 6 of the Exchange Act would be ineffective, because ICE Trust Participants that are brokers or dealers would not be permitted to effect transactions on ICE Trust in connection with the end-of-day settlement price process.

C. Temporary General Exemption for ICE Trust, Certain ICE Trust Participants, and Certain Eligible Contract Participants

Applying the full panoply of Exchange Act requirements to participants in transactions in non-excluded CDS likely would deter some participants from using CCPs to clear CDS transactions. At the same time, it is important that the antifraud provisions of the Exchange Act apply to transactions in non-excluded CDS; indeed, OTC transactions subject to individual negotiation that qualify as security-based swap agreements already are subject to these antifraud provisions.[34]

We thus believe that it is appropriate in the public interest and consistent with the protection of investors temporarily to apply substantially the same framework to transactions by market participants in non-excluded CDS that applies to transactions in security-based swap agreements. Applying substantially the same set of requirements to participants in transactions in non-excluded CDS as apply to participants in OTC CDS transactions will avoid deterring market participants from promptly using CCPs, which would detract from the potential benefits of central clearing.

Accordingly, pursuant to Section 36 of the Exchange Act, the Commission finds that it is necessary or appropriate in the public interest and is consistent with the protection of investors to exercise its authority to grant an exemption until December 7, 2009 from certain requirements under the Exchange Act. This temporary exemption applies to ICE Trust, any ICE Trust Participant[35] which is not a broker or dealer registered under Section 15(b) of the Exchange Act (other than paragraph (11) thereof), and any eligible contract participants[36] other than: Eligible contract participants that receive or hold funds or securities for the purpose of purchasing, selling, clearing, settling or holding Cleared CDS positions for other persons;[37] eligible contract participants that are self-regulatory organizations; or eligible contract participants that are registered brokers or dealers.[38]

Under this temporary exemption, and solely with respect to Cleared CDS, these persons generally are exempt from provisions of the Exchange Act and the rules and regulations thereunder that do not apply to security-based swap agreements. Those persons thus would still be subject to those Exchange Act requirements that explicitly are applicable in connection with security-based swap agreements.[39] In addition, all provisions of the Exchange Act related to the Commission's enforcement authority in connection with violations or potential violations of such provisions would remain applicable.[40] In this way, the temporary exemption would apply the same Exchange Act requirements in connection with non-excluded CDS as apply in connection with OTC credit default swaps.

This temporary exemption, however, does not extend to Sections 5 and 6 of the Exchange Act.[41] The Commission separately issued a conditional exemption from these provisions to all broker-dealers and exchanges.[42] This

[34] While Section 3A of the Exchange Act excludes ''swap agreements'' from the definition of ''security,'' certain antifraud and insider trading provisions under the Exchange Act explicitly apply to security-based swap agreements. *See* (a) paragraphs (2) through (5) of Section 9(a), 15 U.S.C. 78i(a), prohibiting the manipulation of security prices; (b) Section 10(b), 15 U.S.C. 78j(b), and underlying rules prohibiting fraud, manipulation or insider trading (but not prophylactic reporting or recordkeeping requirements); (c) Section 15(c)(1), 15 U.S.C. 78o(c)(1), which prohibits brokers and dealers from using manipulative or deceptive devices; (d) Sections 16(a) and (b), 15 U.S.C. 78p(a) and (b), which address disclosure by directors, officers and principal stockholders, and short-swing trading by those persons, and rules with respect to reporting requirements under Section 16(a); (e) Section 20(d), 15 U.S.C. 78t(d), providing for antifraud liability in connection with certain derivative transactions; and (f) Section 21A(a)(1), 15 U.S.C. 78u–1(a)(1), related to the Commission's authority to impose civil penalties for insider trading violations.

''Security-based swap agreement'' is defined in Section 206B of the Gramm-Leach-Bliley Act as a swap agreement in which a material term is based on the price, yield, value, or volatility of any security or any group or index of securities, or any interest therein.

[35] For purposes of this Order, an ''ICE Trust Participant'' means any participant in ICE Trust that submits Cleared CDS to ICE Trust for clearance and settlement exclusively (i) for its own account or (ii) for the account of an affiliate that controls, is controlled by, or is under common control with the participant in ICE Trust. In general, this exemption does not apply to any ICE Trust Participant that is registered with the Commission as a broker-dealer. A separate temporary exemption addresses the Cleared CDS activities of registered broker-dealers. *See* Part II.D., *infra.*

[36] This exemption in general applies to eligible contract participants, as defined in Section 1a(12) of the Commodity Exchange Act as in effect on the date of this Order, other than persons that are eligible contract participants under paragraph (C) of that section.

[37] For these purposes, and for the purpose of the definition of ''Cleared CDS,'' the terms ''purchasing'' and ''selling'' mean the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing the rights or obligations under, a Cleared CDS, as the context may require. This is consistent with the meaning of the terms ''purchase'' or ''sale'' under the Exchange Act in the context of security-based swap agreements. *See* Exchange Act Section 3A(b)(4).

[38] A separate temporary exemption addresses the Cleared CDS activities of registered broker-dealers. *See* Part II.D., *infra.*. Solely for purposes of this Order, a registered broker-dealer, or a broker or dealer registered under Section 15(b) of the Exchange Act, does not refer to someone that would otherwise be required to register as a broker or dealer solely as a result of activities in Cleared CDS in compliance with this Order.

[39] *See* note 34, *supra.*

[40] Thus, for example, the Commission retains the ability to investigate potential violations and bring enforcement actions in the Federal courts and administrative proceedings, and to seek the full panoply of remedies available in such cases.

[41] This Order includes a separate temporary exemption regarding the mark-to-market process of ICE Trust, discussed above.

[42] *See* note 17, *supra.* A national securities exchange that effects transactions in Cleared CDS would continue to be required to comply with all requirements under the Exchange Act applicable to such transactions. A national securities exchange could form subsidiaries or affiliates that operate exchanges exempt under that order. Any subsidiary or affiliate of a registered exchange could not integrate, or otherwise link, the exempt CDS exchange with the registered exchange including the premises or property of such exchange for

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temporary exemption also does not extend to Section 17A of the Exchange Act; instead, ICE Trust is exempt from registration as a clearing agency under the conditions discussed above. In addition, this exemption does not apply to Exchange Act Sections 12, 13, 14, 15(d), and 16;[43] eligible contract participants and other persons instead should refer to the interim final temporary rules issued by the Commission. Finally, this temporary exemption does not extend to the Commission's administrative proceeding authority under Sections 15(b)(4) and (b)(6),[44] or to certain provisions related to government securities.[45]

D. Temporary General Exemption for Certain Registered Broker-Dealers

The temporary exemptions addressed above—with regard to ICE Trust, certain ICE Trust Participants, and certain eligible contract participants—are not available to persons that are registered as broker-dealers with the Commission (other than those that are notice registered pursuant to Section 15(b)(11)).[46] The Exchange Act and its underlying rules and regulations require broker-dealers to comply with a number of obligations that are important to protecting investors and promoting market integrity. We are mindful of the need to avoid creating disincentives to the prompt use of CCPs, and we recognize that the factors discussed above suggest that the full panoply of Exchange Act requirements should not immediately be applied to registered broker-dealers that engage in transactions involving Cleared CDS. At the same time, we also are sensitive to the critical importance of certain broker-dealer requirements to promoting market integrity and protecting customers (including those broker-dealer customers that are not involved with CDS transactions).

This calls for balancing the facilitation of the development and prompt implementation of CCPs with the preservation of certain key investor protections. Pursuant to Section 36 of the Exchange Act, the Commission finds that it is necessary or appropriate in the public interest and is consistent with the protection of investors to exercise its authority to grant an exemption until December 7, 2009 from certain Exchange Act requirements. Consistent with the temporary exemptions discussed above, and solely with respect to Cleared CDS, we are exempting registered broker-dealers in general from provisions of the Exchange Act and its underlying rules and regulations that do not apply to security-based swap agreements. As above, we are not excluding registered broker-dealers from Exchange Act provisions that explicitly apply in connection with security-based swap agreements or from related enforcement authority provisions.[47] As above, and for similar reasons, we are not exempting registered broker-dealers from: Sections 5, 6, 12(a) and (g), 13, 14, 15(b)(4), 15(b)(6), 15(d), 16 and 17A of the Exchange Act.[48]

Further we are not exempting registered broker-dealers from the following additional provisions under the Exchange Act: (1) Section 7(c),[49] which addresses the unlawful extension of credit by broker-dealers; (2) Section 15(c)(3),[50] which addresses the use of unlawful or manipulative devices by broker-dealers; (3) Section 17(a),[51] regarding broker-dealer obligations to make, keep and furnish information; (4) Section 17(b),[52] regarding broker-dealer records subject to examination; (5) Regulation T,[53] a Federal Reserve Board regulation regarding extension of credit by broker-dealers; (6) Exchange Act Rule 15c3–1, regarding broker-dealer net capital; (7) Exchange Act Rule 15c3–3, regarding broker-dealer reserves and custody of securities; (8) Exchange Act Rules 17a–3 through 17a–5, regarding records to be made and preserved by broker-dealers and reports to be made by broker-dealers; and (9) Exchange Act Rule 17a–13, regarding quarterly security counts to be made by certain exchange members and broker-dealers.[54] Registered broker-dealers should comply with these provisions in connection with their activities involving non-excluded CDS because these provisions are especially important to helping protect customer funds and securities, ensure proper credit practices and safeguard against fraud and abuse.[55]

E. Solicitation of Comments

The Commission intends to monitor closely the development of the CDS market and intends to determine to what extent, if any, additional regulatory action may be necessary. For example, as circumstances warrant, certain conditions could be added, altered, or eliminated. Moreover, because these exemptions are temporary, the Commission will in the future consider whether they should be extended or allowed to expire. The Commission believes it would be prudent to solicit public comment on its action today, and on what action it should take with respect to the CDS market in the future. The Commission is soliciting public comment on all aspects of these exemptions, including:

1. Whether the length of this temporary exemption (until December 7, 2009) is appropriate. If not, what should the appropriate duration be?

effecting or reporting a transaction without being considered a ''facility of the exchange.'' *See* Section 3(a)(2), 15 U.S.C. 78c(a)(2).

[43] 15 U.S.C. 78l, 78m, 78n, 78o(d), 78p.

[44] Exchange Act Sections 15(b)(4) and 15(b)(6), 15 U.S.C. 78o(b)(4) and (b)(6), grant the Commission authority to take action against broker-dealers and associated persons in certain situations. Accordingly, while this exemption generally extends to persons that act as inter-dealer brokers in the market for Cleared CDS and do not hold funds or securities for others, such inter-dealer brokers may be subject to actions under Sections 15(b)(4) and (b)(6) of the Exchange Act.

In addition, such inter-dealer brokers may be subject to actions under Exchange Act Section 15(c)(1), 15 U.S.C. 78o(c)(1), which prohibits brokers and dealers from using manipulative or deceptive devices. As noted above, Section 15(c)(1) explicitly applies to security-based swap agreements. Sections 15(b)(4), 15(b)(6) and 15(c)(1), of course, would not apply to persons subject to this exemption who do not act as broker-dealers or associated persons of broker-dealers.

[45] This exemption specifically does not extend to the Exchange Act provisions applicable to government securities, as set forth in Section 15C, 15 U.S.C. 78o–5, and its underlying rules and regulations; nor does the exemption extend to related definitions found at paragraphs (42) through (45) of Section 3(a), 15 U.S.C. 78c(a). The Commission does not have authority under Section 36 to issue exemptions in connection with those provisions. *See* Exchange Act Section 36(b), 15 U.S.C. 78mm(b).

[46] Exchange Act Section 15(b)(11) provides for notice registration of certain persons that effect transactions in security futures products. 15 U.S.C. 78o(b)(11).

[47] *See* notes 34 and 40, *supra.* As noted above, broker-dealers also would be subject to Section 15(c)(1) of the Exchange Act, which prohibits brokers and dealers from using manipulative or deceptive devices, because that provision explicitly applies in connection with security-based swap agreements. In addition, to the extent the Exchange Act and any rule or regulation thereunder imposes any other requirement on a broker-dealer with respect to security-based swap agreements (*e.g.*, requirements under Rule 17h–1T to maintain and preserve written policies, procedures, or systems concerning the broker or dealer's trading positions and risks, such as policies relating to restrictions or limitations on trading financial instruments or products), these requirements would continue to apply to broker-dealers' activities with respect to Cleared CDS.

[48] We also are not exempting those members from provisions related to government securities, as discussed above.

[49] 15 U.S.C. 78g(c).

[50] 15 U.S.C. 78o(c)(3).

[51] 15 U.S.C. 78q(a).

[52] 15 U.S.C. 78q(b).

[53] 12 CFR 220.1 *et seq.*

[54] Solely for purposes of this exemption, in addition to the general requirements under the referenced Exchange Act sections, registered broker-dealers shall only be subject to the enumerated rules under the referenced Exchange Act sections.

[55] Indeed, Congress directed the Commission to promulgate broker-dealer financial responsibility rules, including rules regarding custody, the use of customer securities and the use of customers' deposits or credit balances, and regarding establishment of minimum financial requirements.

2. Whether the conditions to these exemptions are appropriate. Why or why not? Should other conditions apply? Are any of the present conditions to the exemptions provided in this Order unnecessary? If so, please specify and explain why such conditions are not needed.

3. Whether ICE Trust ultimately should be required to register as a clearing agency under the Exchange Act. Why or why not?

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/other.shtml);* or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number S7–05–09 on the subject line; or
- Use the Federal eRulemaking Portal *(http://www.regulations.gov/).* Follow the instructions for submitting comments.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number S7–05–09. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. We will post all comments on the Commission's Internet Web site *(http://www.sec.gov/rules/other.shtml).* Comments are also available for public 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. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

III. Conclusion

It is hereby ordered, pursuant to Section 36(a) of the Exchange Act, that, until December 7, 2009:

(a) Exemption From Section 17A of the Exchange Act

ICE US Trust LLC (''ICE Trust'') shall be exempt from Section 17A of the Exchange Act solely to perform the functions of a clearing agency for Cleared CDS (as defined in paragraph (e)(1) of this Order), subject to the following conditions:

(1) ICE Trust shall make available on its Web site its annual audited financial statements.

(2) ICE Trust shall keep and preserve at least one copy of all documents, including all correspondence, memoranda, papers, books, notices, accounts, and other such records as shall be made or received by it relating to its Cleared CDS clearance and settlement services. These records shall be kept for at least five years and for the first two years shall be held in an easily accessible place.

(3) ICE Trust shall supply information and periodic reports relating to its Cleared CDS clearance and settlement services as may be reasonably requested by the Commission, and shall provide access to the Commission to conduct on-site inspections of all facilities (including automated systems and systems environment), records, and personnel related to ICE Trust's Cleared CDS clearance and settlement services.

(4) ICE Trust shall notify the Commission, on a monthly basis, of any material disciplinary actions taken against any of its members utilizing its Cleared CDS clearance and settlement services, including the denial of services, fines, or penalties. ICE Trust shall notify the Commission promptly when ICE Trust involuntarily terminates the membership of an entity that is utilizing ICE Trust's Cleared CDS clearance and settlement services. Both notifications shall describe the facts and circumstances that led to the ICE Trust's disciplinary action.

(5) ICE Trust notify the Commission of all changes to rules, procedures, and any other material events affecting its Cleared CDS clearance and settlement services, including its fee schedule and changes to risk management practices, the day before effectiveness or implementation of such rule changes or, in exigent circumstances, as promptly as reasonably practicable under the circumstances. All such rule changes will be posted on ICE Trust's Web site. Such notifications will not be deemed rule filings that require Commission approval.

(6) ICE Trust shall provide the Commission with reports prepared by independent audit personnel that are generated in accordance with risk assessment of the areas set forth in the Commission's Automation Review Policy Statements. ICE Trust shall provide the Commission with (beginning in its first year of operation) its annual audited financial statements prepared by independent audit personnel.

(7) ICE Trust shall report all significant systems outages to the Commission. If it appears that the outage may extend for 30 minutes or longer, ICE Trust shall report the systems outage immediately. If it appears that the outage will be resolved in less than 30 minutes, ICE Trust shall report the systems outage within a reasonable time after the outage has been resolved.

(8) ICE Trust, directly or indirectly, shall make available to the public on terms that are fair and reasonable and not unreasonably discriminatory: (i) all end-of-day settlement prices and any other prices with respect to Cleared CDS that ICE Trust may establish to calculate mark-to-market margin requirements for ICE Trust Participants; and (ii) any other pricing or valuation information with respect to Cleared CDS as is published or distributed by ICE Trust.

(b) Exemption From Sections 5 and 6 of the Exchange Act

(1) ICE Trust shall be exempt from the requirements of Sections 5 and 6 of the Exchange Act and the rules and regulations thereunder in connection with its calculation of mark-to-market prices for open positions in Cleared CDS, subject to the following conditions:

(i) ICE Trust shall report the following information with respect to the calculation of mark-to-market prices for Cleared CDS to the Commission within 30 days of the end of each quarter, and preserve such reports during the life of the enterprise and of any successor enterprise:

(A) The total dollar volume of transactions executed during the quarter, broken down by reference entity, security, or index; and

(B) The total unit volume and/or notional amount executed during the quarter, broken down by reference entity, security, or index;

(ii) ICE Trust shall establish adequate safeguards and procedures to protect participants' confidential trading information. Such safeguards and procedures shall include: (A) Limiting access to the confidential trading information of participants to those employees of ICE Trust who are operating the system or responsible for its compliance with this exemption or any other applicable rules; and (B) implementing standards controlling employees of ICE Trust trading for their own accounts. ICE Trust must adopt and implement adequate oversight procedures to ensure that the safeguards and procedures established pursuant to this condition are followed; and

(iii) ICE Trust shall satisfy the conditions of the temporary exemption from Section 17A of the Exchange Act

set forth in paragraphs (a)(1)–(8) of this Order.

(2) Any ICE Trust Participant shall be exempt from the requirements of Section 5 of the Exchange Act to the extent such ICE Trust Participant uses any facility of ICE Trust to effect any transaction in Cleared CDS, or to report any such transaction, in connection with ICE Trust's clearance and risk management process for Cleared CDS.

(c) Exemption for ICE Trust, Certain ICE Trust Participants, and Certain Eligible Contract Participants

(1) Persons eligible. The exemption in paragraph (c)(2) is available to:

(i) ICE Trust;

(ii) Any ICE Trust Participant (as defined in paragraph (e)(2) of this Order), which is not a broker or dealer registered under Section 15(b) of the Exchange Act (other than paragraph (11) thereof); and

(iii) Any eligible contract participant (as defined in Section 1a(12) of the Commodity Exchange Act as in effect on the date of this Order (other than a person that is an eligible contract participant under paragraph (C) of that section)), other than: (A) an eligible contract participant that receives or holds funds or securities for the purpose of purchasing, selling, clearing, settling, or holding Cleared CDS positions for other persons; (B) an eligible contract participant that is a self-regulatory organization, as that term is defined in Section 3(a)(26) of the Exchange Act; or (C) a broker or dealer registered under Section 15(b) of the Exchange Act (other than paragraph (11) thereof).

(2) Scope of exemption.

(i) In general. Such persons generally shall, solely with respect to Cleared CDS, be exempt from the provisions of the Exchange Act and the rules and regulations thereunder that do not apply in connection with security-based swap agreements. Accordingly, under this exemption, those persons would remain subject to those Exchange Act requirements that explicitly are applicable in connection with security-based swap agreements (*i.e.*, paragraphs (2) through (5) of Section 9(a), Section 10(b), Section 15(c)(1), paragraphs (a) and (b) of Section 16, Section 20(d) and Section 21A(a)(1) and the rules thereunder that explicitly are applicable to security-based swap agreements). All provisions of the Exchange Act related to the Commission's enforcement authority in connection with violations or potential violations of such provisions also remain applicable.

(ii) Exclusions from exemption. The exemption in paragraph (c)(2)(i), however, does not extend to the following provisions under the Exchange Act:

(A) Paragraphs (42), (43), (44), and (45) of Section 3(a);

(B) Section 5;

(C) Section 6;

(D) Section 12 and the rules and regulations thereunder;

(E) Section 13 and the rules and regulations thereunder;

(F) Section 14 and the rules and regulations thereunder;

(G) Paragraphs (4) and (6) of Section 15(b);

(H) Section 15(d) and the rules and regulations thereunder;

(I) Section 15C and the rules and regulations thereunder;

(J) Section 16 and the rules and regulations thereunder; and

(K) Section 17A (other than as provided in paragraph (a)).

(d) Exemption for Certain Registered Broker-Dealers

A broker or dealer registered under Section 15(b) of the Exchange Act (other than paragraph (11) thereof) shall be exempt from the provisions of the Exchange Act and the rules and regulations thereunder specified in paragraph (c)(2), solely with respect to Cleared CDS, except:

(1) Section 7(c);

(2) Section 15(c)(3);

(3) Section 17(a);

(4) Section 17(b);

(5) Regulation T, 12 CFR 200.1 *et seq.*;

(6) Rule 15c3–1;

(7) Rule 15c3–3;

(8) Rule 17a–3;

(9) Rule 17a–4;

(10) Rule 17a–5; and

(11) Rule 17a–13.

(e) Definitions

For purposes of this Order:

(1) ''Cleared CDS'' shall mean a credit default swap that is submitted (or offered, purchased, or sold on terms providing for submission) to ICE Trust, that is offered only to, purchased only by, and sold only to eligible contract participants (as defined in Section 1a(12) of the Commodity Exchange Act as in effect on the date of this Order (other than a person that is an eligible contract participant under paragraph (C) of that section)), and in which:

(i) The reference entity, the issuer of the reference security, or the reference security is one of the following:

(A) An entity reporting under the Exchange Act, providing Securities Act Rule 144A(d)(4) information, or about which financial information is otherwise publicly available;

(B) a foreign private issuer whose securities are listed outside the United States and that has its principal trading market outside the United States;

(C) a foreign sovereign debt security;

(D) an asset-backed security, as defined in Regulation AB, issued in a registered transaction with publicly available distribution reports; or

(E) an asset-backed security issued or guaranteed by Fannie Mae, Freddie Mac or Ginnie Mae; or

(ii) the reference index is an index in which 80 percent or more of the index's weighting is comprised of the entities or securities described in subparagraph (i).

(2) ''ICE Trust Participant'' shall mean any participant in ICE Trust that submits Cleared CDS to ICE Trust for clearance and settlement exclusively (i) for its own account or (ii) for the account of an affiliate that controls, is controlled by, or is under common control with the participant in ICE Trust.

By the Commission.

Elizabeth M. Murphy,

Secretary.

[FR Doc. E9–5299 Filed 3–11–09; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF TRANSPORTATION

ITS Joint Program Office, Intelligent Transportation Systems Program Advisory Committee; Notice of Meeting

AGENCY: Research and Innovative Technology Administration, U.S. Department of Transportation.

ACTION: Notice.

This notice announces, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (FACA) (Pub. L. 72–363; 5 U.S.C. app. 2), a meeting of the Intelligent Transportation Systems (ITS) Program Advisory Committee (ITSPAC). The meeting will be held on April 6, 2009, 2 p.m. to 4 p.m. The meeting will take place at the U.S. Department of Transportation (U.S. DOT), 1200 New Jersey Avenue, SE., Washington DC, in conference room #2 of the U.S DOT Conference Center on the lobby level of the West Building.

The ITSPAC, established under Section 5305 of Public Law 109–59, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, August 10, 2005, and chartered on February 7, 2008, was created to advise the Secretary of Transportation on all matters relating to the study, development and implementation of intelligent transportation systems. Through its sponsor, the ITS Joint Program Office, the ITSPAC makes recommendations to the Secretary

regarding ITS Program needs, objectives, plans, approaches, contents, and progress.

The following is a summary of the meeting's tentative agenda: (1) Update on new Administration transition issues and news; (2) Update on American Recovery and Reinvestment Act issues and news; (3) Report on IntelliDrive℠ Program draft principles; (4) Discussion of ITSPAC input on transportation legislation reauthorization; (5) Discussion of ITSPAC input on the Committee's proposed new ITS Program goal; (6) Update on ITS Program Strategic Plan status; (7) Update on Intelligent Transportation Society of America 2009 Annual Meeting activities; (8) Update on U.S. DOT ITS Program governance processes and status; and (9) Discussion of location, timing, and topics for next ITSPAC meeting.

Since access to the U.S. DOT building is controlled, all persons who plan to attend the meeting must notify Mr. Stephen Glasscock, the Committee Designated Federal Official, at (202) 366–9536 not later than April 1, 2009. Individuals attending the meeting must report for admission at the 1200 New Jersey Avenue entrance of the U.S. DOT building. Attendance is open to the public, but limited space will be available on a first come, first served basis. With the approval of Ms. Shelley Row, Director of the ITS Joint Program Office, members of the public may present oral statements at the meeting. Non-committee members wishing to present oral statements or obtain information should contact Mr. Glasscock.

Questions about the agenda or written comments may be submitted by U.S. Mail to: U.S. Department of Transportation, Research and Innovative Technology Administration, ITS Joint Program Office, Attention: Stephen Glasscock, 1200 New Jersey Avenue, SE., HOIT, Washington, DC 20590 or faxed to (202) 493–2027. The ITS Joint Program Office requests that written comments be submitted prior to the meeting.

Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Mr. Glasscock at least seven calendar days prior to the meeting.

Notice of this meeting is provided in accordance with the FACA and the General Services

Administration regulations (41 CFR part 102–3) covering management of Federal advisory committees.

Issued in Washington, DC, on the 6th day of March, 2009.

John Augustine,

Managing Director, ITS Joint Program Office.

[FR Doc. E9–5360 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–HY–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Land Release for Princeton Airport

AGENCY: Federal Aviation Administration, DOT.

ACTION: Request for public comment.

SUMMARY: The Federal Aviation Administration is requesting public comment on Princeton Airport (39N), Princeton, New Jersey, notice of proposed release from aeronautical use of approximately 7.2 acres of airport property, to allow for non-aeronautical development.

The parcel is located on the southeast corner of Princeton Airport. The tract currently consists of 7.2 acres of land and it is currently vacant. The requested release is for the purpose of permitting the airport owner to sell and convey title of 7.2 Acres for use as a medical office building.

Documents reflecting the Sponsor's request are available, by appointment only, for inspection at the Airport Manager's office and the FAA New York Airport District Office.

DATES: Comments must be received by April 13, 2009.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Steven M. Urlass, Manager, FAA New York Airports District Office, 600 Old Country Road, Suite 446, Garden City, New York 11530. In addition, a copy of any comments submitted to the FAA must be mailed or delivered to Mr. Kenneth Nierenberg, Airport Manager, at the following address: 41 Airpark Road, Princeton, New Jersey 08540.

FOR FURTHER INFORMATION CONTACT: Steven M. Urlass, Manager, New York Airports District Office, 600 Old Country Road, Suite 446, Garden City, New York 11530; telephone (516) 227–3803; FAX (516) 227–3813; e-mail *steve.urlass@faa.gov*.

SUPPLEMENTARY INFORMATION: Section 125 of the Wendell H. Ford Aviation Investment and Reform Act for the 1st Century (AIR21) requires the FAA to provide an opportunity for public notice and comment before the Secretary may waive a sponsor's Federal obligation to use certain airport land for aeronautical use.

Issued in Garden City, New York on February 9, 2009.

Steven Urlass,

Manager, New York Airports District Office, Eastern Region.

[FR Doc. E9–5395 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Third Plenary Meeting, NextGen Mid-Term Implementation Task Force

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of NextGen Mid-Term Implementation Task Force meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the NextGen Mid-Term Implementation Task Force.

DATES: The meeting will be held April 7, 2009 starting at 9 a.m. to 12 p.m. Arrive in FAA Lobby at 8:30 a.m. for visitor check in.

ADDRESSES: FAA Auditorium, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 850, Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org*.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a NextGen Mid-Term Implementation Task Force meeting. The agenda will include:

- Opening Plenary (Welcome and Introductions)
- Work Group and Subgroup Status Reports and Planned Activities
- Discussion and Next Steps
- Closing Plenary (Other Business, Document Production, Date and Place of Next Meeting, Adjourn)

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

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

Francisco Estrada C.,

RTCA Advisory Committee.

[FR Doc. E9–5284 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), U.S. DOT.

ACTION: Notice of limitation on claims for judicial review of actions by the FHWA and other Federal agencies.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, replacement of the Spanish Creek Bridge (Bridge No. 09–0015) on State Route 70, in the County of Plumas, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before September 8, 2009. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Edward Espinoza, Chief, Caltrans Environmental Planning Office, 1657 Riverside Drive, Redding, CA 96001, during normal office hours 7:30 a.m.–4:15 p.m. Monday–Friday, Telephone: (530) 225–3308, e-mail *ejespino@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: Replacement of the Spanish Creek Bridge (Bridge No. 09–0015) on State Route 70 in Plumas County, approximately 7.3 miles north of the community of Quincy. The existing bridge is near the end of its service life and does not meet modern seismic and highway design standards. The new bridge will be constructed on an alignment immediately adjacent to the existing bridge. The existing bridge will be removed once the new bridge is operational. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (EA) for the project, approved on December 30, 2008, in the FHWA Finding of No Significant Impact (FONSI) issued on December 30, 2008, and in other documents in the FHWA project records. The EA, FONSI, and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans EA and FONSI can be viewed and downloaded from the project Web site at *http://www.dot.ca.gov/dist3/departments/envinternet/spanishcreek/spanishcreek.htm.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].
2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)].
3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].
4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712].
5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*].
6. Social and Economic: Civil Rights act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)].
7. Wetlands and Water Resources: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251–1377]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)].
8. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Cindy Vigue.

Director, State Programs, Federal Highway Administration, Sacramento, California.

[FR Doc. E9–5349 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in North Carolina

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by FHWA, the U.S. Army Corps of Engineers (USACE), and other Federal agencies.

SUMMARY: This notice announces actions taken by the USACE that are final within the meaning of 23 U.S.C. 139 (I)(1). The actions relate to a proposed highway project, Fayetteville Outer Loop, from I–95 south of Fayetteville to U.S. 401 (Ramsey Street) in Fayetteville, North Carolina, Cumberland and Robeson Counties, North Carolina. Those actions grant a permit and approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(I)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filled on or before September 8, 2009. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period applies.

FOR FURTHER INFORMATION CONTACT: Clarence W. Coleman, P.E., Operations Engineer, Federal Highway Administration, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina 27601–1418; Telephone: (919) 747–7014; e-mail: *clarence.coleman@dot.gov.* FHWA North Carolina Division Office's normal business hours are 8 a.m. to 5 p.m. (Eastern Time). You may contact Richard K. Spencer, Regulatory Project Manager, United States Army Corps of Engineers, Regulatory Branch, 69 Darlington Avenue, Wilmington, NC 28403; Telephone (910) 251–4172; e-mail: *richard.k.spencer@usace.army.mil.* United States Army Corps of Engineers' normal business hours are 8 a.m. to 5 p.m. (Eastern Time). You may also

contact Gregory J. Thorpe, Ph.D., Project Development and Environmental Analysis Branch Manager, North Carolina Department of Transportation (NCDOT), 1 South Wilmington Street (Delivery), 1548 Mail Service Center, Raleigh, North Carolina 27699–1548; Telephone (919) 733–3141; e-mail *gthorpe@ncdot.gov*. NCDOT—Project Development and Environmental Analysis Branch Office's normal business hours are 8 a.m. to 5 p.m. (Eastern Time).

SUPPLEMENTARY INFORMATION: On October 5, 2006, the FHWA published a ''Notice of Final Federal Agency Actions on Proposed Highway in North Carolina'' in the **Federal Register** at Volume 71, Number 193 for the following project: Fayetteville Outer Loop, Federal Aid No. DPR–0100(001) and DPR–0100(002), from I–95 south of Fayetteville to U.S. 401 (Ramsey Street) in Fayetteville, North Carolina, Cumberland and Robeson Counties, North Carolina. The project will be a 28-mile long, four-lane divided controlled-access freeway on new alignment. The project extends westward from the end of I–295 along the southern boundary of Fort Bragg Military Reservation/ northern municipal limits of the City of Fayetteville then turns southward along the western limits of the City of Fayetteville and the Town of Hope Mills until it connects with I–95. A Final Environmental Impact Statement (FEIS) for the project was approved on August 17, 2005; the FHWA Record of Decision (ROD) was issued on January 19, 2006. Notice is hereby given that, subsequent to the earlier FHWA ROD, the USACE has taken final agency actions within the meaning of 23 U.S.C. 139(I)1 by issuing permits and approvals for the highway project. The actions by the USACE are described in the USACE decisions and its project records, referenced as SAW–200801413. The permit and decision document is available by contacting NCDOT at the address above.

Information about the project and project records also are available from FHWA and NCDOT at the addresses provided above. The FHWA FEIS and ROD can be viewed at the NCDOT—Project Development and Environmental Analysis Branch, 1 South Wilmington Street, Raleigh, North Carolina; NCDOT—Division 6 Construction Engineer Office, 558 Gillespie Street, Fayetteville, North Carolina and Fayetteville MPO Office, 130 Gillespie Street, 2nd Floor, Fayetteville, North Carolina.

This notice applies to all USACE decisions taken after January 19, 2006, the issuance date of the FHWA ROD, described above. The laws under which actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)].
3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].
4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(g)], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712], Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq*.].
5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq*.]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].
6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].
7. *Wetlands and Water Resources:* Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].
8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].
9. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(I)(1)

Issued on: March 6, 2009.

Clarence W. Coleman,

Director of Preconstruction and Environment, Raleigh, North Carolina.

[FR Doc. E9–5352 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[NHTSA–2009–0051]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections. This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before May 11, 2009.

ADDRESSES: Direct all written comments to U.S. Department of Transportation Dockets, 1200 New Jersey Ave., SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: David Bonelli, Office of Chief Counsel, NCC–110, telephone (202) 366–1834, fax (202) 366–3820; NHTSA, 1200 New Jersey Ave., SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for

approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information:

Title: Designation of Agent for Service of Process.

OMB Control Number: 2127–0040.

Requested Expiration Date of Approval: Three years from the approval date.

Type of Request: Extension of previously approved collection.

Affected Public: Business or other for-profit.

Form Number: N/A.

Abstract: This collection of information applies to motor vehicle and motor vehicle equipment manufacturers located outside of the United States (''foreign manufacturers''). Section 110(e) of the National Traffic and Motor Vehicle Safety Act of 1966 (49 U.S.C. 30164) requires a foreign manufacturer offering a motor vehicle or motor vehicle equipment for importation into the United States to designate a permanent resident of the United States as its agent upon whom service of notices and processes may be made in administrative and judicial proceedings. These designations are required to be filed with NHTSA. NHTSA requires this information in case it needs to advise a foreign manufacturer of a safety related defect in its products so that the manufacturer can, in turn, notify purchasers and correct the defect. This information also enables NHTSA to serve a foreign manufacturer with all administrative and judicial processes, notices, orders, decisions and requirements.

When NHTSA amended the regulation implementing that statutory requirement, codified at 49 CFR Part 551, subpart D, NHTSA included an appendix containing a suggested designation form for use by foreign manufacturers and their agents. The purpose of the suggested designation format was to simplify the information collection and submission process, and thereby reduce the burden imposed on each covered manufacturer by 49 CFR Part 551, subpart D. To further streamline the information collection process, NHTSA has set up a customer Web site that may be accessed at *http://www.nhtsa.dot.gov/cars/rules/manufacture/agent/customer.html.*

Estimated Annual Burden: 120 hours.

Estimated Number of Respondents: 240 respondents.

The Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued on: March 9, 2009.

John Donaldson,

Assistant Chief Counsel for Legislation and General Law.

[FR Doc. E9–5394 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2008–0119; Notice 2]

Goodyear Tire & Rubber Company, Grant of Petition for Decision of Inconsequential Noncompliance

Goodyear Tire & Rubber Company (Goodyear), has determined that certain passenger car tires manufactured from 2007 until March 2008 did not fully comply with paragraph S5.5(f) of Federal Motor Vehicle Safety Standards (FMVSS) No. 139 *New Pneumatic Radial Tires for Light Vehicles.* Goodyear has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports.*

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR Part 556, Goodyear has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety. Notice of receipt of the petition was published, with a 30-day public comment period, on June 26, 2008 in the **Federal Register** (73 FR 36372). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System Web site at: *http://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2008–0119.''

For further information on this decision, contact Mr. George Gillespie, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5299, facsimile (202) 366–7002.

Affected are approximately 82,636 Dunlop SP Sport Signature passenger car tires that were manufactured from 2007 until March 2008 in the following sizes:

205/55R16 91V,
225/55R16 95V,
205/50R17 93V,
215/55R16 93V,
P215/55R17 93V,
205/65R15 94V,
P205/60R16 91V.

Paragraph S5.5(f) of FMVSS No. 139 requires in pertinent part:

S5.5 Tire markings. Except as specified in paragraphs (a) through (i) of S5.5, each tire must be marked on each sidewall with the information specified in S5.5(a) through (d) and on one sidewall with the information specified in S5.5(e) through (i) according to the phase-in schedule specified in S7 of this standard. The markings must be placed between the maximum section width and the bead on at least one sidewall, unless the maximum section width of the tire is located in an area that is not more than one-fourth of the distance from the bead to the shoulder of the tire. If the maximum section width falls within that area, those markings must appear between the bead and a point one-half the distance from the bead to the shoulder of the tire, on at least one sidewall. The markings must be in letters and numerals not less than 0.078 inches high and raised above or sunk below the tire surface not less than 0.015 inches * * *

(f) The actual number of plies in the sidewall, and the actual number of plies in the tread area, if different; * * *

Goodyear explains that the noncompliance is that the sidewall marking incorrectly identifies the number of plies in the tread of the tire. Specifically, the tires in question were inadvertently manufactured with ''Tread 3 Polyester + 2 Steel'' marked on the sidewall. The labeling should have been ''Tread 2 Polyester + 2 Steel + 2 Polyester''. (Emphasis added).

Goodyear states that it discovered the mold labeling error that caused the non-compliance during a routine quality audit.

Goodyear makes the argument that the subject tires were manufactured with the correct number of plies in the tread and only the sidewall marking is incorrect.

Goodyear also contends that all of the markings related to tire service (load capacity, corresponding inflation pressure, etc.) are correct and that the mislabeling of these tires is inconsequential to motor vehicle safety because the tires meet or exceed all applicable Federal Motor Vehicle Safety performance standards.

Goodyear also points out that NHTSA has previously granted petitions for sidewall marking noncompliances that it believes are similar to the instant noncompliance.

Goodyear also stated that it will correct the problem that caused these errors so that they will not be repeated in future production.

NHTSA Decision

The agency agrees with Goodyear that the noncompliance is inconsequential to motor vehicle safety. The agency believes that the true measure of inconsequentiality to motor vehicle safety in this case is that there is no effect of the noncompliance on the operational safety of vehicles on which these tires are mounted. The safety of people working in the tire retread, repair, and recycling industries must also be considered.

Although tire construction affects the strength and durability, neither the agency nor the tire industry provides information relating tire strength and durability to the number of plies and types of ply cord material in the tread and sidewall. Therefore, tire dealers and customers should consider the tire construction information along with other information such as the load capacity, maximum inflation pressure, and tread wear, temperature, and traction ratings, to assess performance capabilities of various tires. In the agency's judgment, the incorrect labeling of the tire construction information will have an inconsequential effect on motor vehicle safety because most consumers do not base tire purchases or vehicle operation parameters on the number of plies in a tire.

The agency also believes the noncompliance will have no measurable effect on the safety of the tire retread, repair, and recycling industries. The use of steel cord construction in the sidewall and tread is the primary safety concern of these industries. In this case, since the tire sidewalls are marked correctly for the number of steel plies, this potential safety concern does not exist.

In consideration of the foregoing, NHTSA has decided that Goodyear has met its burden of persuasion that the subject FMVSS No. 139 labeling noncompliance is inconsequential to motor vehicle safety. Accordingly, Goodyear's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the subject noncompliance under 49 U.S.C. 30118 and 30120.

Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: March 4, 2009.

Daniel C. Smith,

Associate Administrator for Enforcement.

[FR Doc. E9–5277 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2008–0087; Notice 2]

Michelin North America, Grant of Petition for Decision of Inconsequential Noncompliance

Michelin North America, Inc. (MNA), has determined that certain light vehicle tires that it manufactured during the period beginning September 22, 2007 through October 26, 2007 (DOT weeks 3707 and 4207), do not fully comply with paragraphs S5.5 & S5.5(c) of 49 CFR 571.139 Federal Motor Vehicle Safety Standard (FMVSS) No. 139 *New Pneumatic Radial Tires for Light Vehicles.* MNA has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports.* Notice of receipt of a petition was published, with a 30-day comment period, on May 12, 2008, in the **Federal Register** (73 FR 27024). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System Web site at: *http://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2008–0087.''

For further information on this decision, contact Mr. George Gillespie, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5299, facsimile (202) 366–7002.

Affected are approximately 3,385 Michelin brand P235/55R17 98H MXV4 PLUS tires, produced September 22, 2007 through October 26, 2007 (DOT weeks 3707 and 4207). Paragraphs S5.5 & S5.5(c) of 49 CFR 571.139 require in pertinent part that:

S5.5 Tire markings. Except as specified in paragraphs (a) through (i) of S5.5, each tire must be marked on each sidewall with the information specified in S5.5(a) through (d) and on one sidewall with the information specified in S5.5(e) through (i) according to the phase-in schedule specified in S7 of this standard. The markings must be placed between the maximum section width and the bead on at least one sidewall, unless the maximum section width of the tire is located in an area that is not more than one-fourth of the distance from the bead to the shoulder of the tire. If the maximum section width falls within that area, those markings must appear between the bead and a point one-half the distance from the bead to the shoulder of the tire, on at least one sidewall. The markings must be in letters and numerals not less than 0.078 inches high and raised above or sunk below the tire surface not less than 0.015 inches.

S5.5(c) The maximum permissible inflation pressure, subject to the limitations of S5.5.4 through S5.5.6 of this standard.

MNA explained that the subject tires were manufactured with an incorrect maximum pressure value (350kPa (51 PSI)) marked on the outboard (reference) sidewall while the correct maximum pressure value (300 kPa (44 PSI)) was marked on the inboard sidewall. MNA expressed its belief that both maximum pressure values marked on the tires are acceptable choices for this tire. MNA also believes that the noncompliance exists because two maximum pressure values have been applied to the same tire.

MNA defends its belief that the noncompliance is inconsequential to motor vehicle safety by stating the following reasons:

(1) Performance requirements—The subject tires meet or exceed all of the minimum performance requirements of FMVSS No. 139.

(2) Maximum Pressure Value—Paragraph S5.5.4 of FMVSS No. 139 limits the choices for the allowed maximum inflation pressure to 240, 280, 290, 300, 330, 340, 350, or 390 kPa

depending on the load version of the tire. The Tire & Rim Association (T&RA) standard ''P. 1–34'' specifies pressure level options for the maximum permissible inflation pressure marking for a corresponding load version and its maximum tire load. The choice of the maximum inflation pressure level then becomes the choice of the tire manufacturer, as long as it is in compliance with the established values under FMVSS No. 139 paragraph S5.5.4. For the subject P235/55R17 standard load tire, both maximum inflation pressure values (350 kPa and 300 kPa) are acceptable choices.

(3) Maximum Pressure Marking—Paragraphs S5.5 and S5.5(c) of FMVSS No. 139 both specify that each tire must be marked on each sidewall with the maximum permissible inflation pressure. The manufacturer's selected inflation pressure value must be marked on both sidewalls of the tire in kPa, followed by the appropriate PSI value (FMVSS No. 139 paragraph S5.5.4(a)) in parentheses. Since only one selection is allowed, the same value is required on both sidewalls. Therefore, the noncompliance lies only in the fact that both values have been applied to the same tire.

(4) Strength—Each standard load tire has a specified tire strength requirement. This requirement is defined in FMVSS No. 139 paragraph S6.5 (and FMVSS No. 109 paragraph S5.3) and must be met whether the selected maximum permissible pressure marking value is 240 kPa (35 PSI), 300 kPa (44 PSI), or 350 kPa (51 PSI). The Michelin P235/55 R17 98H MXV4 PLUS tire meets this requirement. The 350 kPa (51 PSI) maximum inflation pressure marking therefore has no impact on the tire's performance.

(5) Overloading—The use of either of the maximum inflation pressures displayed on the subject tire sidewalls as the source of information for the recommended inflation pressure will not result in an overloading of the tires nor reduce the load carrying capacity of the tires since both values are above the recommended inflation pressure (240 kPa (35PSI)) for the tire's maximum load rating.

(6) Tire labeling—Maximum permissible inflation pressure labeling on tire sidewalls is poorly understood by the general public and it should be removed from tire sidewalls because it has limited safety value and may confuse customers about the proper source for the recommended inflation pressure.

MNA also states that it has corrected the problem that caused these errors so that they will not be repeated in future production.

MNA requested that NHTSA consider its petition and grant an exemption from the notification and recall requirements of the National Traffic and Motor Vehicle Safety Act on the basis that the noncompliance described above is inconsequential as it relates to motor vehicle safety.

NHTSA Decision

Subsequent to the submission of its petition, MNA explained to NHTSA that although it had assigned a maximum sidewall marking pressure of 300 kPa (44 PSI) to the tires, the tires were manufactured to withstand and to safely accommodate a maximum pressure of 350 kPa (51 PSI). MNA also explained that a ''common green'' is a universal tire subassembly that is manufactured in high volume and used as a core around which similar size tires having different nonstructural properties are assembled. The ''common green'' includes the major structural elements of a tire. The ''common green'' for the subject tire was actually manufactured to performance specifications that require the tire to be able to withstand a maximum pressure of 350 kPa (51 PSI). MNA further explained that the decision to mark the lower pressure on the tire was based on marketing reasons, not safety concern. NHTSA does not contest that, as MNA argues, it is a common practice that a tire may be marked with a maximum pressure that is lower than its capacity.

Since the load that is marked on both sides of the tire (i.e., 750 KG (1653 lb)) is correct; the recommended inflation pressure (240 kPa (35 PSI)) is well below both the correct tire pressure of 300 kPa (44 PSI), and the incorrectly labeled tire pressure of 350 kPa (51 PSI); and, in any event, the tire was manufactured to safely accommodate a pressure of 350 kPa (51 PSI), the tire cannot be inadvertently overloaded.

NHTSA agrees that the noncompliance is inconsequential to motor vehicle safety. The mislabeling does not cause any safety problems, such as increasing the probability of tire failure, if the tires were inflated to 350 kPa under a load of 750kg, and it is not likely to result in unsafe use of the tires.

In consideration of the foregoing, NHTSA has decided that MNA has met its burden of persuasion that the subject FMVSS No. 139 labeling noncompliance is inconsequential to motor vehicle safety. Accordingly, MNA's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the subject noncompliance under 49 U.S.C. 30118 and 30120.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at CFR 1.50 and 501.8

Issued on: March 5, 2009.

Daniel C. Smith,

Associate Administrator for Enforcement.

[FR Doc. E9–5276 Filed 3–11–09; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Revenue Procedure 2009–14]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2009–14, Pre-filing Agreement Program.

DATES: Written comments should be received on or before May 11, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Carolyn N. Brown at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6688, or through the Internet at *Carolyn.N.Brown@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Certain Transfers of Domestic Stock or Securities by U.S. Persons to Foreign Corporations.

OMB Number: 1545–1684.

Regulation Project Number: Revenue Procedure 2009–14.

Abstract: Revenue Procedure 2009–14 describes a program under which certain large business taxpayers may request examination and resolution of specific issues relating to tax returns. The resolution of such issues under the program will be memorialized by a type

of closing agreement under Code section 7121 called a pre-filing agreement.

Current Actions: Due to revision of the revenue procedure, burden hours decreased by 36,081. The total burden hours are now 13,134.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents/ Recordkeepers: 216.

Estimated Time per Response: 60 hours, 48 minutes.

Estimated Total Annual Burden Hours: 13,134.

The following paragraph applies to all the collections of information covered by this notice.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–5306 Filed 3–11–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2008–50

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2008–50, Employee Plans Compliance Resolution System.

DATES: Written comments should be received on or before May 11, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Carolyn N. Brown, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6688 or through the Internet at *Carolyn.N.Brown@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Employee Plans Compliance Resolution System.

OMB Number: 1545–1673.

Revenue Procedure Number: Revenue Procedure 2008–50.

Abstract: The information requested in Revenue Procedure 2008–50 is required to enable the Internal Revenue Service to make determinations regarding the issuance of various types of closing agreements and compliance statements. The issuance of closing agreements and compliance statements allows individual plans to continue to maintain their tax-qualified status. As a result, the favorable tax treatment of the benefits of the eligible employees is retained.

Current Actions: There are no changes being made to this revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, business or other for-profit organizations, not-for-profit institutions, and state, local or tribal governments.

Estimated Number of Respondents: 19,434.

Estimated Time per Respondent: 3 hours, 55 minutes.

Estimated Total Annual Burden Hours: 76,222.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–5307 Filed 3–11–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2005–50

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort

to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Rev. Proc. 2005–50, Automatic Consent for Eligible Educational Institution to Change Reporting Methods.

DATES: Written comments should be received on or before May 11, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carolyn N. Brown, (202) 622–6688, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Carolyn.N.Brown@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Automatic Consent for Eligible Educational Institution to Change Reporting Methods.

OMB Number: 1545–1952.

Form Number: Rev. Proc 2005–50.

Abstract: This revenue procedure prescribes how an eligible educational institution may obtain automatic consent from the Service to change its method of reporting under section 6050S of the Code and the Income Tax Regulations.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and households, businesses and other for-profit organizations.

Estimated Number of Respondents: 30.

Estimated Time per Respondent: 10 hours.

Estimated Total Annual Burden Hours: 300.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 2, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–5309 Filed 3–11–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8908

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8908, Energy Efficient Home Credit.

DATES: Written comments should be received on or before May 11, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carolyn N. Brown, (202) 622–6688, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Carolyn.N.Brown@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Energy Efficient Home Credit.

OMB Number: 1545–1979.

Form Number: 8908.

Abstract: Congress passed Public Law 109–58, the Energy Policy Act of 2005, on August 8, 2005, enacting legislation providing a tax credit for contractors producing new energy efficient homes.

We created Form 8908 to reflect new code section 45L which allows qualified contractors to claim a credit for each qualified energy-efficient home sold in tax years ending after December 31, 2005. The new credit ($2,000 or $1,000) is based on the energy saving requirements of the home. To qualify for the credit, the home must be acquired after 2005 but before January 2008.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations.

Estimated Number of Respondents: 198,000.

Estimated Time per Respondent: 2 hours, 35 minutes.

Estimated Total Annual Burden Hours: 512,820.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the

information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 2, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–5311 Filed 3–11–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2003–11

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2003–11, Offshore Voluntary Compliance Initiative.

DATES: Written comments should be received on or before May 11, 2009 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Carolyn N. Brown at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6688, or through the Internet at *Carolyn.N.Brown@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Offshore Voluntary Compliance Initiative.

OMB Number: 1545–1822.

Revenue Procedure Number: Revenue Procedure 2003–11.

Abstract: Revenue Procedure 2003–11 describes the Offshore Voluntary Compliance Initiative, which is directed at taxpayers that have under-reported their tax liability through financial arrangements outside the United States that rely on the use of credit, debit, or charge cards (offshore credit cards) or foreign banks, financial institutions, corporations, partnerships, trusts, or other entities (offshore financial arrangements). Taxpayers that participate in the initiative and provide the information and material that their participation requires can avoid certain penalties.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, and not-for-profits institutions.

Estimated Number of Respondents: 2,000.

Estimated Time per Respondent: 50 hours.

Estimated Total Annual Burden Hours: 100,000.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2009.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E9–5313 Filed 3–11–09; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0165]

Proposed Information Collection (Financial Status Report) Activity: Comment Request

AGENCY: Office of Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of Management (OM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine a claimant's financial status.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 11, 2009.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *http://www.Regulations.gov* or to David Sturm, VA Debt Management Center, Bishop Henry Whipple Federal Building, P.O. Box 11930, St. Paul, MN 55111–0930 or e-mail to: *DMCDSTUR@VBA.VA.GOV*. Please refer to ''OMB Control No. 2900–0165'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: David Sturm at (612) 970–5702 or FAX (612) 970–5687.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OM's functions, including whether the information will have practical utility; (2) the accuracy of OM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Financial Status Report, VA Form 5655.

OMB Control Number: 2900–0165.

Type of Review: Extension of a currently approved collection.

Abstract: Claimants complete VA Form 5655 to report their financial status. VA uses the data collected to determine the claimant's eligibility for a waiver of collection, set up a payment plan or for the acceptance of a compromise offer on their VA benefit debt.

Affected Public: Individuals or households.

Estimated Annual Burden: 45,553 hours.

Estimated Average Burden per Respondent: 1 hour.

Frequency of Response: On occasion.

Estimated Number of Respondents: 45,553.

Dated: March 6, 2009.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. E9–5390 Filed 3–11–09; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (Appraiser-Realtor Surveys)]

Agency Information Collection Activities (VA Loan Guaranty Service Appraiser and Realtor Surveys) Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 13, 2009.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov*; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–New (Appraiser-Realtor Surveys)'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: *For Further Information or a Copy of the Submission Contact:* Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, FAX (202) 273–0443 or e-mail: *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900–New (Appraiser-Realtor Surveys).''

SUPPLEMENTARY INFORMATION:

Title: VA Loan Guaranty Service Appraiser and Realtor Surveys.

OMB Control Number: 2900–New (Appraiser-Realtor Surveys).

Type of Review: New collection.

Abstract: The mission of LGY is to help veterans and active duty personnel purchase and retain homes in recognition of their service to our nation. The program offers many advantages to veterans, including no down payment, and no mortgage insurance premiums. Since the program's inception in 1944, it has helped millions of veterans to become homeowners.

As part of the VA's continuing commitment to improve the services provided to veterans, LGY will conduct FY09 VA Loan Guaranty Service Appraiser and Realtor Surveys. The survey will target real estate professionals geographically located in ''veteran rich'' areas. The appraisers surveyed will be those currently serving on the VA Fee Panel.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on December 23, 2008, at pages 78873–78874.

Affected Public: Business or other for profits.

Estimated Annual Burden: 2,750 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 11,000.

Dated: March 6, 2009.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. E9–5393 Filed 3–11–09; 8:45 am]

BILLING CODE 8320–01–P

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Federal Register

Vol. 74, No. 47

Thursday, March 12, 2009

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S. 234/P.L. 111–7
To designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the "Colonel John H. Wilson, Jr. Post Office Building". (Mar. 9, 2009; 123 Stat. 523)

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